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## House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, April 5, 2005, at 2 p.m.

## Senate

MONDAY, APRIL 4, 2005

The Senate met at 2 p.m. and was called to order by the Honorable RICHARD M. BURR, a Senator from the State of North Carolina.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God, the fountain of every blessing, we thank You for the life and legacy of Pope John Paul II. You blessed our world with his intellectual strength and compassionate heart. You challenged our spirits with his advocacy of justice and his pursuit of peace.

God of all mercies, comfort those who mourn. Be particularly near to the family of Doug Fertig, Director of Human Resources for our Senate family, who died on Friday. Remind us that nothing can separate us from Your love.

Bless today the work of our Senators. Empower them with increasing awareness and openness of heart. Give them wisdom and courage for the living of these days. We pray in Your eternal Name.

Amen.

### PLEDGE OF ALLEGIANCE

The Honorable RICHARD M. BURR led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, April 4, 2005.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD M. BURR, a Senator from the State of North Carolina, to perform the duties of the Chair.

TED STEVENS,  
President pro tempore.

Mr. BURR thereupon assumed the Chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. FRIST. Mr. President, the Senate returns to session today and joins the world in mourning the death of Pope John Paul II. I know many of my colleagues will want to pay tribute to one of our greatest spiritual leaders. Therefore, we will have a period of morning business throughout the day to accommodate those speeches. I also alert my colleagues that we are working on a Senate resolution which would pay the appropriate respect and tribute to Pope John Paul.

We have also returned to the sad news of the passing of one of our former colleagues, Senator Howell Heflin of Alabama. Our thoughts and prayers go out to his family.

With regard to the schedule this week, we have a busy legislative schedule with a number of scheduling challenges over the next several days. We hope to begin consideration of the State Department authorization bill tomorrow, on Tuesday. Chairman LUGAR is preparing to bring that bill to the floor, and we hope to complete work on that over the course of the next couple of days. I hope we can reach an agreement that will allow that bill to come forward, with amendments relevant to the underlying legislation.

In addition, on Wednesday, there will be a joint meeting of the House and Senate to receive an address by Ukrainian President Viktor Yushchenko. That is scheduled for 11 a.m. We ask that Members be in the Senate Chamber at approximately 10:30 so we may proceed together to the Hall of the House of Representatives for that address.

Also this week, we have a couple of district judges who are available for consideration, and we will want to schedule those for floor action.

On behalf of the Republican and Democratic Policy Committees, I remind everybody that on Tuesday we will have a floor debate on the issue of Social Security. Senators SANTORUM, DEMINT, DURBIN, and STABENOW will participate in the scheduled debate. I encourage all Members to listen to this constructive conversation. I applaud

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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both policy committees for preparing this format. I was pleased to work with the Democratic leader in securing a time for this debate tomorrow. This week, Senator COCHRAN will be marking up the supplemental appropriations bill. We hope to have that available next week.

Again, we have much on the plate for this week both in terms of floor schedule and other important Senate events. I look forward to a busy legislative period this spring, and trust all of my colleagues are rested and ready to proceed.

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

#### TRIBUTE TO SENATOR HOWELL HEFLIN

Mr. REID. Mr. President, it is my understanding that the distinguished Republican leader is going to make a statement regarding the Pope. I think that is timely. I will do so at a later time today.

I wanted to pay tribute to Howell Heflin. He was a wonderful man who served in the Senate for 18 years. He actually revolutionized the court system in Alabama. The first amendment they ever had to their Constitution was a result of his reorganization of the court when he was chief justice of the Alabama Supreme Court.

Howell Heflin holds the record here, serving as a member of the Ethics Committee for 13 years. He did that with dignity during some of the most difficult times we have seen in the Senate with some of the problems Senators had.

I had the good fortune of traveling to Alabama yesterday to be with his widow Mike at that funeral in the rural community of Tusculumbia, AL. That is where he had his home and law practice and where he died. He had very little suffering. He was 83 years old. He got sick one afternoon and died within an hour or two after that.

The Senate will always be a better place as a result of Senator Heflin having been a Member. Death comes at inopportune times. I want his widow to know that even though there were only a few Senators there, including Senator BINGAMAN, and Senator SHELBY, who had another funeral he had to go to, Senator SESSIONS was there, it came at such an inopportune time. It was the end of the recess period. People didn't know about it, and it was hard for people to be there, but it doesn't take away from the dignity of that proceeding. It was a wonderful funeral. I received a number of phone calls yesterday and today of people wanting to be there. For example, the wind was so heavy yesterday that they had to change the place of takeoff from Andrews to Dulles. As a result of that,

Senator BIDEN, driving down from Delaware, could not make it. He had to drive 35, 40 miles.

Again, we send our condolences to Tom, his son, and Mike, his widow. As a Senate family, we felt so good about Senator Heflin in life and in death.

ADDRESS OF PRESIDENT YUSHCHENKO

I also say this to the majority leader. I had the good fortune during this break to lead a bipartisan CODEL. We had the opportunity to sit down and talk to President Yushchenko. Here is a man they tried to kill. We think we know who tried to assassinate him. Here is a man whose face is a little disfigured, but his spirit is not. He has the ability, I believe, to bring about a change in that country that will be for generations to come. It is a burgeoning democracy. Things are on the move, and he has a dynamic personality. I am glad he is going to be able to address a joint session of Congress because he is what our country is all about. So I commend and applaud the Speaker for arranging for this man, a good man, to speak before a joint session of Congress. It will make us all better for having the ability and the opportunity to listen to him.

I apologize to the leader for taking more time than usual, but I will return at a later time and make some remarks about the Pope, who passed away.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

#### HONORING POPE JOHN PAUL II

Mr. FRIST. Mr. President, today, this body, the Senate, and the world community grieve for the passing of Pope John Paul II. He passed away Saturday evening, April 2, in his bed overlooking St. Peter's Square. Millions of Catholics and non-Catholics alike mourn the departure of one of the greatest spiritual leaders and moral teachers of the modern era.

Pope John Paul set an extraordinary example of personal integrity and courage, not only for his fellow Catholics but for people of every religious and philosophical viewpoint.

Pope John Paul was born Karol Jozef Wojtyla on May 18, 1920, in Poland, a country which at the time was a desolate, impoverished, and war-torn place. By the time John Paul reached the age of 21, every close member of his family had died. Most people would have been devastated by such losses. But for John Paul, this early experience of suffering deepened his spirituality and his capacity to find meaning in man's frailty.

John Paul was ordained as a priest at the age of 26. In 1964, he became the Bishop of Krakow. Three years later, he was elevated to cardinal by Pope Paul VI. In 1978, he became the first non-Italian in 455 years to be elected Pope of the Catholic Church.

For the next 2½ decades, Pope John Paul campaigned tirelessly for human rights and dignity throughout the

world. He practiced and inspired resistance to the great totalitarian systems that rose and, with his help, fell in the 20th century. He had the key insight that, in his words, "the historical experience of socialist countries has sadly demonstrated that collectivism does not do away with alienation, but rather increases it, adding to it a lack of basic necessities and economic inefficiency."

His historic trip to Poland in 1979 catalyzed the Solidarity movement and led to the peaceful dissolution of the Soviet empire.

John Paul fostered harmony between Catholics, Eastern Orthodox, and Protestant Christians. He reached out in friendship to Jews and members of other faiths, and he warmly promoted interfaith understanding.

He was the first Pope to visit a mosque and the first Pope to visit a synagogue. A poet, a playwright, and a philosopher, Pope John Paul II dedicated himself to the defense of the weakest and most vulnerable members of the human family.

He eloquently defended the right to life of every human being, irrespective of race or sex, age or size, stage of development, or condition of dependence. He believed that "science can purify religion from error and superstition. Religion can purify science from idolatry and false absolutes."

On his visits to the United States, he called on all Americans to be faithful to the great principles of liberty included in our Declaration of Independence and in the Constitution. Even in his last frail moments, he remained devoted to God and the cause of justice. His selfless service to God and man will remain an inspiration to all people of good will across the globe.

I will close with a poem he wrote for his mother at the age of 19. It reflects his extraordinarily sensitive nature and closes with a prayer the world now sends out to him. It is entitled "Over This, Your White Grave":

Over this, your white grave,  
The flowers of life in white,  
So many years without you,  
How many have passed out of sight?  
Over this, your white grave,  
Covered for years, there is a stir  
In the air, something uplifting  
And, like death, beyond comprehension.  
Over this, your white grave,  
Oh, Mother, can such loving cease?  
For all his filial adoration  
A prayer:  
Give her eternal peace.

Mr. President, I yield the floor.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of

morning business, with Senators permitted to speak for up to 10 minutes each.

The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I believe we secured acceptance from the other side for me to speak for 45 minutes. I might go 10 minutes longer. I ask unanimous consent that I be recognized for 55 minutes as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

### CHINA'S SPREADING GLOBAL INFLUENCE

Mr. INHOFE. Mr. President, as I have done many times before on this floor, I rise to address a national security issue of the highest importance, one that demands our utmost attention. I wish to alert this body and the American people to China's spreading global influence and the imminent threat this poses to our national security.

Our past concerns have come to fruition on all levels—economically, militarily, and ideologically. We are on a collision course. As I will detail, China has become a progressive danger we can no longer afford to overlook. As I said, this is not new. Over the years I have made numerous remarks on the Senate floor regarding our national security and China.

During the Clinton administration, there were growing concerns about Chinese espionage, which were later confirmed in the Cox report. The report showed that reality surpassed our worst fears. China had been stealing U.S. nuclear secrets. The W-88 warhead, with which we are all familiar, was the crown jewel of our nuclear program which allowed for up to 10 nuclear warheads to be attached to the same missile. In 1995, we discovered that China had stolen this technology.

Under President Clinton, U.S. companies such as Loral Space and Communications and Hughes Electronics were given the green light to improve the precision and reliability of China's satellites and their nuclear missiles, undoing 50 years of technology export restrictions. China also gained the capability of accurately reaching the continental United States with nuclear missiles and targeted between 13 and 18 U.S. cities. All of this occurred while President Clinton proclaimed "not one missile is pointed at American children." This body responded by investigating to what extent we were lied to and our security was compromised, but ultimately nothing changed.

From those events, the Chinese Government learned that it could rely on our acquiescence and charged ahead. China transferred prohibited weapons technology to North Korea, Pakistan, Libya, Iraq, Iran, Syria, and other countries. China threatened to absorb Taiwan and intimidated our regional treaty allies, South Korea and Japan.

That was 5 years ago. Since then we have had a new administration and

have gone through such major events as 9/11, the current conflict in Iraq, and an ideological shift in the way we fight war. I wish I could say that with the new administration China's conduct has changed. President Bush has taken some steps in the right direction, notably rejuvenating the missile defense system; however, I am afraid that transpiring events tell a different story.

Since 2000, the United States-China Security Economic Review Commission has been holding hearings and issuing annual reports to evaluate "the national security implications of the bilateral trade and economic relationship between the United States and the People's Republic of China." Congress established the Commission to act as the bipartisan authority on how our relationship with China affects our economy, industrial base, China's military and weapons proliferation, and our influence in Asia. I fear their reports have gone largely unnoticed. It is remarkable they have gone unnoticed as significant as they were.

In a most recent report, dated June of 2004, less than a year ago, the Commission makes this alarming opening statement. This is a bipartisan report:

Based on our analyses to date, as documented in detail in our report, the Commission believes that a number of the current trends in U.S.-China relations have negative implications for our long-term economic and national security interests and therefore that U.S. policies in these areas are in need of urgent attention and course corrections.

As the report and recent events show, China has continued on an alarming course in conflict with our national security.

Last January, the Bush administration imposed sanctions against eight large Chinese companies for aiding Iraq's missile program and transferring technology to other problematic countries. There was no public announcement, and the only reason we know about this is that some Sino-American Web sites came across this information on page 133 in the Federal Register. Last December, four companies were sanctioned for the same reason. Many other examples can be cited from 2004, with some of these companies being repeatedly penalized for more than a decade. The fact is that China has repeatedly vowed to curb its weapons sales and has gone back on its promises. This has been going on for some time. I spoke of this on the Senate floor on June 23, 1999.

Beijing made nonproliferation commitments in 1992, 1994, 1998, 2000, and most recently in 2002. The U.S. State Department admits these guarantees came about "only under the imminent threat, or in response to the actual imposition, of sanctions."

The Commission report comments on China's continued assistance to countries such as Libya, Pakistan, Iran, and North Korea. This assistance has continued despite nonproliferation assurances as the report outlines. Keep in mind, they have agreed to all these agreements, and yet the report says:

China's assistance to weapons of mass destruction-related programs in countries of concern continues despite repeated promises to end such activities and the repeated imposition of U.S. sanctions. The Chinese Government and Chinese enterprises have assisted such states to develop their nuclear infrastructure, chemical weapons capabilities, and/or ballistic missile systems notwithstanding a consistent history of denials. Libya's decision to open up its weapons of mass destruction programs and the revelations by Pakistan that A.Q. Khan supplied uranium enrichment technology to Libya, Iran, and North Korea, provides new insight into China's legacy of proliferation. China's continued failure to adequately curb its proliferation practices poses significant national security concerns to the United States.

Again, this is not new. As I stated on the floor on March 15, 1999, China has been stealing our nuclear secrets, but, as the Commission points out, China is now sharing its nuclear knowledge—some of it is quite possibly ours—with other countries. For years China has transferred ballistic and cruise missile technology to countries with troubling proliferation records, but these transfers have evolved to become even more problematic.

Again I quote from the bipartisan Commission that spent 4 years studying this relationship:

... Chinese transfers have evolved from sales of complete missile systems, to exports of largely dual use nuclear, chemical, and missile components and technologies ... Recent activities "have aggravated trends that result in ambiguous technical aid, more indigenous capabilities, longer range missiles, and secondary proliferation." Continuing intelligence reports indicate that the Chinese cooperation with Pakistan and Iran remains an integral element of China's foreign policy ... Beijing's failure to control such transfers gives the appearance that these are allowed in accordance with an unstated national policy. China has generally tried to avoid making fundamental changes in its transfer policies by offering the United States carefully worded commitments or exploiting differences between agreements.

As further evidence of this disturbing proliferation, the CIA report to Congress in mid-2003 said that "firms in China provided dual-use missile-related items, raw materials, and/or assistance to ... countries of proliferation concern such as Iran, Libya, and North Korea."

Virtually every country we worry about possesses or has access to some form of chemical, biological, or nuclear weapon, but most lack effective delivery systems. China is a proven violator of nonproliferation treaties that keep such countries from gaining access to delivery system technology. According to State Department testimony, China has a "serial proliferation problem," and while the official line is to crack down on weapons trade, "reality has been quite different." In her January Senate confirmation hearings, Secretary of State Condoleezza Rice listed six countries as "outposts of tyranny." China has strong ties to four of these. They are Cuba, Burma, North Korea, and Iran.

Recently, Iran has been in the headlines because of its support for terrorism, threatening posture, and nuclear program. China supplying them with weapons technology is similar to the role the Soviet Union played in the Cuban missile crisis. It is probably worse because at least in Cuba, the U.S.S.R. maintained control of the weapons and technology. On the other hand, China is fully willing to proliferate regardless of the consequences. Some say the real issue is with private companies and Beijing does not have knowledge of what is going on.

With the delicate situation in North Korea, the Bush administration is holding that line. But the fact remains that at the very least, the Chinese Government is negligent in deterring such proliferation and apparently does not feel any pressure to do so. However, as some of these companies are closely linked with the Chinese military, it is clear that the government is not so ignorant as we may like to imagine.

This continued proliferation in the face of intense pressure to stop makes me ask the question: What is China getting in return? China seems to proliferate with countries that have been terrorist sponsors, such as Iran, Iraq, and Libya. These countries offer China something they desperately need, and that is oil. That is what is significant.

Energy is a major problem facing China, which ranks No. 2 in the world for consumption. This is very interesting because right now we have been talking about the fact we have a very serious problem in not having an energy policy, not being able to pass an energy bill—it has been killed by people who think we do not need to run this great machine called America.

Since my floor speeches in 1999, China's oil imports have doubled and surged upwards of 57 percent in the last year alone. I have a chart that shows what could very well happen in the future. This chart starts in 1990 and goes to 2025 and shows what China's projected oil production versus consumption is. The red line is consumption. The green line is production. We can see they do not have production. They have to get production from someplace. That is something to which we should be most sensitive. China's oil production is topped out while its demand continues to rise at an alarming pace. Some analysts project China's oil needs will double again by 2010, and it will use its reserves within 14 years. This information is from International Energy Outlook of 2004. We believe this to be accurate.

China's alarming need for oil has caused it to look around to the world for new sources, sources that are often problematic states with security concerns to the United States. The Commission makes an unpopular but straightforward observation. I am going to quote this very significant statement out of the Commission report:

This need for energy security may help explain Beijing's history of assistance to ter-

rorist-sponsoring states with various forms of weapons of mass destruction-related items and technical assistance, even in the face of U.S. sanctions. But this pursuit of oil diplomacy may support objectives beyond just energy supply. Beijing's bilateral arrangements with oil-rich Middle Eastern states also helped create diplomatic and strategic alliances with countries that were hostile to the United States. For example, with U.S. interests precluded from entering Iran, China may hope to achieve a long-term competitive advantage relative to the United States.

Over time, Beijing's relationship-building may counter U.S. power and enhance Beijing's ability to influence political and military outcomes. One of Beijing's stated goals is to reduce what it considers U.S. superpower dominance in favor of a multipolar global power structure in which China attains superpower status on par with the United States.

In Venezuela, anti-American President Hugo Chavez announced a \$3 billion trade strategy with China, including provision for oil and gas. Army GEN Bantz Craddock, who heads the United States Southern Command, stated that China is increasing its influence in South America, filling a vacuum left by the United States.

In his March 9 House testimony, General Craddock called China's progressive interest in the region "an emerging dynamic that could not be ignored."

I have been traveling to Africa for many years. The Chinese are everywhere. I just got back last night from Africa. I saw a conference building being constructed, given to them free, from China, and we know what kind of relationship that gives them. I saw a conference center being constructed in the Congo. I saw a large sports stadium. Both were donated by the Chinese. China has been expanding its influence throughout Africa with projects like this.

One saying I heard was: The U.S. tells you what you need, but China gives you what you want.

Has China suddenly become compassionate and generous? I think the fact that these countries have large oil and mineral deposits paints a real picture.

In the Middle East, Beijing recently signed a \$70 billion oil and gas deal with Iran from which it receives 14 percent of its oil imports. Naturally, China has come out firmly against the U.N. Security Council holding Iran economically accountable for its nuclear program.

I was just in Sudan 2 days ago. Likewise in Sudan, China seeks to diffuse or delay any U.N. sanctions against Khartoum. It hardly seems coincidental that 7 percent of its oil imports comes from that conflict-stricken country, a supply that China seems ready to protect.

At this point, I will pause and tell my colleagues the experience we had just 2 days ago in that area in Uganda, just across the Sudan border. We were working with President Museveni. We actually went up to the area called Gulu, which is right on the Sudan bor-

der where the terrorists are coming across maiming children, cutting their limbs and their lips off. It is horrible. It is beyond description. I do not think there has been anything like that since the Holocaust. Yet China is supporting that group.

Not only are they willing to use the U.N. to safeguard its energy sources but also its regional influence. This is not new. In 2003, the United States spearheaded the proliferation security initiative as a multilateral weapons of mass destruction interdiction strategy. The initiative has proven effective, particularly in the interception of centrifuge parts bound for Libya. The Bush administration believes this success was a major reason Libya peacefully ended its nuclear program.

Major European and Asian countries have joined and China was invited to participate and refused, citing dubious concerns about the delicate situation in North Korea. To quote the Commission:

China appears to be working through the United Nations to not only undermine the initiative but also to render it globally ineffective. This has been accomplished by getting the United States to drop a provision on the interdiction of foreign vessels carrying banned weapons on the high seas.

I think it is worth repeating what the Commission statement said:

One of Beijing's stated goals is to reduce what it considers U.S. superpower dominance in favor of multipolar global power structure in which China attains superpower status on par with the United States.

The tense situation in Taiwan continues to simmer. A few days ago, the Chinese Communist Party formalized a new stance on Taiwan. The following was approved by the National People's Congress:

If possibilities for a peaceful reunification should be completely exhausted, the state shall employ nonpeaceful means and other necessary measures to protect China's sovereignty and territorial integrity.

This represents a change from earlier ambiguous language that would have allowed China flexibility to consider other options should a conflict arise. As it is, China has taken away its alternatives.

This is a direct threat. The Chinese are solidifying and increasing their presence in east Asia. When not using overt political influence, they are expanding economically.

As political economist Francis Fukuyama observed:

The Chinese [have been] gearing up a series of multilateral initiatives of their own, including Asean Plus One, Asean Plus Three, a China-Asean Free Trade Area, a Northeast Asian Free Trade Area and so on in seemingly endless profusion.

The purpose of these proposals, it seems fairly clear in retrospect, was to allay fears of China's growing economic power by offering selective trade concessions to various Chinese neighbors. The Chinese greased the path to the East Asian Summit last December by offering its Asean neighbors a free trade agreement that would open access to much of the Chinese market by 2010.

Asean Plus Three appears to be a weak and innocuous organization. But the Chinese

know what they are doing: Over the long run, they want to organize East Asia in a way that puts them in the center of regional politics.

China is also expanding militarily. Their string of pearls strategy includes a listening post in Pakistan, billions of dollars in military aid to Burma, military training and equipment to Cambodia, increased naval activities in the South China Sea, and expanding cooperation with Thailand and Bangladesh.

The purpose of this strategy is to create a military corridor for the Middle East to mainland China that would be impervious to any potential American oil embargo. As a recent internal Pentagon report outlines:

China . . . is not looking only to build a blue-water navy to control the sea lanes, but also to develop undersea mines and missile capabilities to deter the potential disruption of its energy supplies from potential threats, including the U.S. Navy, especially in the case of a conflict with Taiwan.

The weapons in which China is investing include cruise missiles, submarines, long-range target acquisition systems, specifically cutting edge satellites, unmanned aerial vehicles, and the advanced SU-30 fighter aircraft, and I have to pause at this moment and say something about someone to this day I still think is a real American hero, GEN John Jumper, the Chief of the Air Force. Back before he was in that position in the late 1990s—I believe it was 1998—he had the courage to stand up and publicly say something, and it certainly was not endorsed or wanted by the Clinton administration, but he said we have to do something. We have stopped our modernization program so now Russia is selling tactical vehicles, air vehicles, that are better than our fighters. He is talking about the SU-30 series, better than our F-15s and F-16s.

There are a lot of people who do not want us to advance militarily and be No. 1 and give our troops and our airmen the very best equipment. There are people who are trying to keep us from developing the F-22 and the joint strike fighter so that we again will gain superiority. Right now we do not have it.

China has bought in one purchase, and this has been several years ago, 240 of the SU-30s and probably a lot more, but that is what we found out. The new intelligence report states that China has accelerated its amphibious assault ship production. It plans to build 23 new boats capable of ferrying tanks and troops across the Taiwan Strait. This development is potentially destabilizing and has alarming implications.

We have to keep in mind they now are buying this capability to get across to Taiwan after for the first time coming out and directly threatening Taiwan.

A further concern is China's investment in nuclear submarines. It recently launched the type 094 class, the first capable of striking the continental United States with nuclear mis-

siles from its own waters. It can strike the United States of America from its own waters. They have launched this class of a nuclear missile—or the ability to deploy it.

China has also been developing the JL-2 submarine-launched ballistic missile, expected to have a range of 4,600 miles. These represent a departure from traditional Chinese deterrent strategies. They have little tactical purposes. They will not be used in a regional battle. Rather, their importance is strategic.

China has modernized its military at an unprecedented rate. According to testimony from Dr. Evan Medeiros of the RAND Corporation, between 1990 and 2002 China's official defense budget for weapons procurement grew approximately 1,000 percent. That is 1,000 percent in a 12-year period. Nearly every year since 1997 has seen a defense budget increase of 13 percent, an increase far above China's GDP growth average of 8.2 percent for those same years.

In comparison, President Bush's fiscal year 2005 budget increase in defense spending is 4.8 percent. Keep in mind, we are currently engaged in two major operations and numerous smaller ones as part of the global war on terror. Yet this is just China's officially announced defense budget.

The Commission and the Defense Department assess:

The PLA defense budget is grossly underreported and that official figures exclude much of China's military modernization program.

So when we are talking about what China is putting into their military program, we recognize that this may be 50 percent of what they are really putting in it because we have no way of knowing.

Our intelligence does show in an unclassified form that they are doing a lot more than the reports they send out. The Commission estimates the actual defense budget is two to three times the stated amount.

In the midst of this ominous military expansion, the European Union is planning on lifting its arms embargo against China. The embargo was put in place after the 1989 Tiananmen Square massacre to reflect China's appalling human rights record. The European Union claims the embargo is no longer effective but ignores the obvious. Why lift the embargo without replacing it with a better one?

Their solution, an informal code of conduct, allows for no comprehensive enforcement. Without uniform and enforceable standards, competent European firms will be left to themselves to determine acceptable arms sales. Even with the embargo, Europe's sales to China recently doubled this past year to a half billion dollars.

Underneath all of the semantics, the EU appears to have more to gain in Euros than by maintaining what principled respect for human rights it once had. Any weapons technology China buys will only add to its leverage

against Taiwan and our other Asian allies. If the embargo is lifted, Europe and Russia will be in competition to sell China increasingly higher technologies. We can also expect the EU technology to proliferate beyond China's borders to states that would gladly use it against the United States. The EU does not consider this a strategic threat.

The United States-China Commission report observes, however:

Access to more advanced systems and integrating technologies from Europe would have a much more dramatic impact on overall Chinese capabilities today than say five or ten years ago. For fourteen years China has been unable to acquire systems from the West. Analysts believe a resumption of EU arms sales to China would dramatically enhance China's military capability. If the EU arms embargo against China is lifted, the U.S. military could be placed in a situation where it is defending itself against arms sold to the PLA by NATO allies.

With all the other problems that we have had recently with some of our multinational groups, this is really not surprising.

Imagine, we share military technology with our European allies and then find our security threatened and possibly our servicemen killed by this same technology. We cannot allow for this potential to exist.

Because of China's centralized economy, economic issues are irrevocably intertwined with security implications. The Commission reports:

The Chinese government has selectively chosen firms—predominantly State-owned enterprises, SOEs—to list on international capital markets . . . Many SOEs were previously controlled by the People's Liberation Army, PLA, and there is concern that unofficial links to the PLA remain intact after privatization . . . As of 2002, more than three-quarters of companies listed as A shares in China's capital market are State-controlled. These include known proliferators such as NORINCO, which was sanctioned by the U.S. Government on four separate occasions in 2003 for offenses including missile proliferation and sales of equipment or expertise to Iran that could be used in a WMD or cruise or ballistic missile program.

Chinese firms lack adequate disclosure; as the case of NORINCO demonstrates, American investors may unwittingly be supporting companies that oppose our national security.

One company, China National Nuclear Corporation—CNNC—is currently slotted to receive \$5 billion from the U.S. Export Import Bank to build nuclear power plants in China. However, there are two problems: first, this company was discovered to be sending Pakistan prohibited materials that weaponize uranium. Sanctions were imposed for 1 month and removed. Later that same year, a subsidiary of CNNC was discovered to be selling more illegal materials to Pakistan. Connections have also been made to Iran's weapon program. Second, because the Export-Import Bank of the United States supplies the credit, the U.S. Treasury will have to back this loan, either by direct payment or guarantee. Ultimately, American taxpayers

will be aiding a Chinese company that is a known proliferator. I look at these things and ask why doesn't that bother anybody? Nobody is talking about it.

Another issue is China's purchasing of U.S. companies. On March 9, the Committee on Foreign Investment in the United States—CFIUS—approved China's Lenovo Group buying IBM's PC business. The \$1.75 billion deal creates the third largest PC maker in the world. The problem is that there is potential for Chinese computer experts to use this as a base for espionage. Some say that this is ridiculous; that China could never use IBM networks that way. I would ask that they consider not only the immediate situation but also China's track record. As a side note, I believe that CFIUS does not apply a broad enough conception of U.S. security. I understand that Representatives HYDE, HUNTER and MANZULLO expressed similar views in a January letter to Treasury Secretary John Snow, the chairman of CFIUS.

One example of CFIUS falling short is with Magnequench International Incorporated. In 1995, Chinese corporations bought GM's Magnequench, a supplier of rare earth metals used in the guidance systems of smart-bombs. For over 12 years, the company has been moved piecemeal to mainland China, leaving the U.S. with no domestic supplier of neodymium, a critical component of rare-earth magnets. CFIUS approved this transfer. The problem takes a unique twist, as Nathan Tabor of The Conservative Voice outlines:

China [has] become the dominant supplier of rare-earth elements, also called lanthanides. But in the U.S., owners of the Mountain Pass mine in California, one of the finest rare-earth deposits in the world, have been spending millions of dollars over many years to resolve an environmental complaint that processing the element threatens the habitat of the desert tortoise.

This is something that has restricted some of our activities.

Dependence on outsourcing has the potential to be a paralyzing problem in time of war. During the current Iraq conflict, Switzerland stopped shipments of smart-bomb components to the U.S. because it disagreed with our role. As more and more of our military equipment is outsourced, we have become dangerously dependent on the whims of foreign countries. Current law requires only 50 percent of defense equipment be American-made. When Representative DUNCAN HUNTER tried to raise this to 65 percent, defense contractors told him that it would force them out of the market.

Information technology is also leaving our borders at an alarming rate. John Chambers, the CEO of CISCO Systems, said:

China will become the IT center of the world, and we can have a healthy discussion about whether that's in 2020 or 2040. What we're trying to do is outline an entire strategy of becoming a Chinese company.

However, this technology transfer can also have a darker side. The Commission report states:

U.S. advanced technology and technological expertise is transferred to China in a number of ways, both legal and illegal, including through U.S. invested firms and research centers in China, Chinese investments in the United States, bilateral science and technology cooperative programs, and Chinese students and researchers who return home following their work and study at U.S. universities and research institutes.

In a previous speech that I gave on China, on June 23, 1999, I called attention to China's covert stealing of our technology. The FBI is currently investigating numerous instances of alleged industrial espionage; over 3,000 companies in the U.S. are suspected of supplying illegal technology and collecting information for China. Such cases are major problems in industrial centers like Silicon Valley where espionage investigations linked with China have increased 20 to 30 percent annually.

Most recently, the Bush administration is investigating whether China has illegally altered legitimate U.S. exports for military use. One instance of this is U.S.-made Boeing 737 jetliner being modified to have military capabilities. Experts believe that China is using the aircraft to monitor tests of its long-range cruise missile similar to our Navy Tomahawk. Such a missile would be capable of delivering long-range conventional or nuclear payloads.

Whether it is military or economic expansionism, human rights, illegal proliferation or outright stealing of military technology, China has continued to defy the U.S. and the world unabated and unchallenged.

Let me repeat what concerns me, and apparently the U.S.-China Commission, about China:

No. 1, eight major Chinese companies, some of which are directly connected with the military, were sanctioned last January for illegally selling weapons technology to countries including Iran. This is only one example of an ongoing and grave strategic problem. It is a problem we cannot afford to tolerate.

No. 2, China has been modernizing and expanding its military to reduce any leverage we may have in a conflict situation, particularly over Taiwan. They have been stealing or developing highly advanced technology, including nuclear warhead designs and technology that would enable them to reach the continental U.S.

No. 3, skyrocketing energy consumption is a major problem for China and a potential conflict with us. It is drawing the PRC into cooperation with Iran and other problematic states. These bilateral arrangements improperly influence Chinese action the U.N., and in some cases may involve illegal weapons transfers. You can see from this chart behind me that China has to do something. Look at their energy requirements. They are doing it today.

No. 4, the European Union is projected to lift its arms embargo on China by this summer, an embargo

that was meant to pressure China to improve its human rights record. That record has not improved. Europe has also failed to address the question: What country will China most likely use the new European technology against? It is ultimately the United States.

No. 5, despite Justice Department and Homeland Security concerns, China's Lenovo Group is taking over IBM's PC manufacturing business, based in North Carolina. This is revealing of a distressing trend that threatens the U.S. industrial base. Our practice of outsourcing military equipment is also of deep concern.

No. 6, China continues to repress religious and human rights, and intimidate our Asian allies while expanding their influence in areas like South America and Africa. The recent Taiwanese "anti-secession" bill is further evidence of this hegemonic outlook.

No. 7, according to the FBI, cases of Chinese espionage in the States are increasing at 30 percent annually in some places. Civil aircraft that the U.S. sold to China appear to be outfitted with military surveillance equipment. Revelation of such activities garners few headlines because this behavior is nothing new. They have been doing it for a long time and no one seems to care.

Indeed, we are used to this pattern and have become all too complacent about it. Scolding the Chinese for their disregard for proliferation treaties, while providing them unprecedented economic benefits is at best a bizarre foreign policy. We must link China's trading privileges with its human rights record and its conduct abroad, including its weapons proliferation. As China's No. 1 importing customer, accounting for 35 percent of total Chinese exports, we have the influence. I agree that the way we handle an emerging China must be dynamic, but it must not be weak. As the Commission report concludes:

We need to use our substantial leverage to develop an architecture that will help avoid conflict, attempt to build cooperative practices and institutions, and advance both countries' long-term interests. The United States has the leverage now and perhaps for the next decade, but this may not always be the case. We also must recognize the impact of these trends directly on the domestic U.S. economy, and develop and adopt policies that ensure that our actions do not undermine our economic interests . . . the United States cannot lose sight of these important goals, and must configure its policies toward China to help make the materialize . . . If we falter in the use of our economic and political influence now to effect positive change in China, we will have squandered an historic opportunity . . . China will likely not initiate the decisive measures toward more meaningful economic and political reform without substantial, sustained, and increased pressure from the United States.

There is an inherent tension between drawing China to freedom through relaxed policies, and a vital need to protect U.S. security. I fear we have conceded far too much and contributed to the emergence of a very real threat.



Finally, I wish to applaud the U.S.-China Economic and Security Review Commission. Their efforts to provide this body with a clear picture of a very complex and multifaceted situation have been illuminating and challenge us to face these real problems. Thank you for your hard work.

The Chinese have something called an idiom, a four-character phrase that is sometimes used to simplify a complex thought. I would borrow one to describe the current situation: "One who obeys on the surface but not from one's heart." Unless our relationship with China is backed up with strong action they will never take us seriously. We will certainly see more violations of proliferation treaties and in the context of the growing threat of terrorism. That is unacceptable. We have also ignored the danger that China is becoming in its own right. Some think that I am alarmist. If China breaks its consistent pattern of human rights abuses, military and economic expansionism, and illegal weapons proliferation, I am prepared to concede my concerns are unfounded. But I fear that the next few years will continue to confirm an obvious trend. The time to act is now, before the problem is beyond the realm of policy. We urgently need a coherent strategy for dealing with China, one that allows room for China's changing role without sacrificing our national security and other interests.

As I have demonstrated, we are on a collision course with China on all levels: economically, militarily, and ideologically. The situation has only worsened since my previous floor speeches about China in 1999. We are two trains accelerating in different directions on the same track. After the last decade I think we have seen that appeasement doesn't work; it's time to deal in a very real way with our unpaid bills.

I often think about the appeasement policies we sometimes have against these countries.

I think it was Horace Mann who said:

No man survives when freedom fails. The best men rot in filthy jails. Those who cried "appease, appease" are hanged by those they try to please.

I am afraid that pretty well describes our relationship with China.

I hope this debate will awaken the American people to the real threat China poses. To that end, I intend to deliver several more talks highlighting the United States-China Commission's report and will introduce a resolution to formally adopt the Commission's recommendation.

I remember so well back when I was critical of the Clinton administration in the very opening months of that administration in the early 1990s when one of the first things they did at our energy laboratories was to intentionally lower our security policy. They did away with background checks. They did away with the color-coded security badges to demonstrate on site what level of security an individual could have. They did away with

some of the FBI checks. I was very disturbed. That was over 10 years ago. We knew this was coming, and now it is here. It is time for us to take a different policy to China.

With that, I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I ask unanimous consent I be permitted to speak for up to 30 minutes after the distinguished Senator from Massachusetts.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I understand we are in morning business.

The ACTING PRESIDENT pro tempore. The Senator is correct. The Senator should also be reminded he currently has a 10-minute time limit.

#### HONORING POPE JOHN PAUL II

Mr. KENNEDY. Mr. President, around the world as we honor the passing of the Holy Father, we are filled with his spirit and we are inspired by his legacy of peace and compassion. We pray for him and we pray for one another during this time of grief and reflection.

I first saw the Holy Father in Boston in 1979 as he touched American soil for the first time as Pope and reached out to the American people with his holy strength. Several hundred thousand rain-soaked men, women, and children gathered on the Boston Common to hear his homily that began with his extraordinary welcome, "America the Beautiful, even if it rains!" And through his eyes that was what we were: beautiful, free, and open to all possibilities.

He greeted my family warmly on many occasions and blessed us for all our endeavors. On our visit to the Vatican in the 1980s, he welcomed my sister Jean's Very Special Arts program for the disabled in the arts and participated in a festival for 7,000 Italian children who were challenged physically. He told us that in God's eyes, we were all created equally, we all had creative gifts, and all of our talents were enlightened by God. On that occasion I presented him with a bust of President Kennedy, whom he spoke graciously about.

In countless ways during his years as Pope, the Holy Father inspired people throughout the world and brought them together in peace and reconciliation. In his travels to distant lands, citizens of many different faiths were deeply moved by his appeals to the common humanity of all people under

God. And in his final days, he inspired us all again with the surpassing grace and dignity with which he left us.

I am struck by the words of one of the Pope's favorite passages that was read to him in his final hours, from Psalm 119:

Remember your word to your servant, for you have given me hope. My comfort in my suffering is this: Your promise preserves my life.

Pope John Paul II lives on in the hearts of all of us who were touched so deeply by his life. May his example continue to guide us and people everywhere in all the years ahead.

Mr. PRYOR. Mr. President, on the evening of October 16, 1978, white smoke curled from a chimney atop the Sistine Chapel signaling the election of Cardinal Karol Wojtyla of Poland. The crowds in St. Peter's Square roared with great enthusiasm, even before they knew of the extraordinary papacy he would lead for 26 years.

As our Nation continues to grieve the loss of Pope John Paul II, we have spent much time looking back at his accomplishments—decisions and actions made within the walls of the Vatican and those he brought abroad through Europe, Africa, the Americas and Asia.

His steady beliefs and convictions helped inspire peace and human dignity throughout the world. He taught not just Catholics, but people of all religions, the power of faith, principles and courage. And he taught us to use this power to address the social and economic issues that we face each day with truth and morality.

While people may disagree with his conclusions on specific issues, John Paul II's consistent efforts to promote the value of all people remained steadfast. He led by example, exposing overlooked areas of the developing world—those infested with poverty to lands overrun with land minds—and he did so without alienating or rejecting persons or world leaders who disagreed with him. Under his leadership, the Communist domination of Poland came to end, the Vatican and the State of Israel established diplomatic relations, and an unprecedented effort to cleanse the church's conscience began.

On his fifth and final trip to the United States in 1999, Pope John Paul II reminded a flourishing country to look beyond material growth and address the poverty, the spread of gangs, drugs and violence staring us in the face.

Just a few years later, he stood with us, a broken nation, on September 11, 2001, to help victims, friends, and families grieve for their loved ones and turn their loss into good.

Today I stand with Arkansans to offer prayer and to pay homage to Pope John Paul II, one of the most inspirational leaders of our time and a great defender of faith.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 30 minutes.

## END-OF-LIFE CARE

Mr. WYDEN. Mr. President, late last week, the Nation witnessed the end to a saga that was heartrending not only for the medical circumstances of the young woman at its center, but for the tragic controversy that surrounded it.

The Congress has spoken once about Terri Schiavo, and in the near future the Senate's Committee on Health, Education, Labor, and Pensions is expected to hold hearings about one of the issues Ms. Schiavo's situation brought to the spotlight: the rights of the incapacitated and our society's responsibility toward that community. I hope the Congress will now begin a thoughtful examination of this and issues relating to end-of-life care. For that reason, I rise today to urge and encourage caution as the Senate moves forward.

George Washington called the Senate the saucer to cool the legislation. I would say the Senate, in fact, must cool its own passions before proceeding. The alternative is unacceptable. The Senate must not revisit the dangerous zero-sum game of 2 weeks ago, creating a false debate between those who seek protection and those who desire choices and actually sacrificing one of those rights to secure the other. This body's responsibility is to find solutions that preserve both. Protecting the vulnerable and preserving end-of-life choices are not mutually exclusive. Advocates for the disabled are right when they say that losing physical or mental capacity must not deprive anyone of their rights even if they have not had or taken the opportunity to make their treatment and wishes known.

There is legitimate cause for worry that the majority of our population might give short shrift to the real rights of a minority group. Journalist James Taranto summed it up well when he said:

It was natural for an able-bodied person to think: I wouldn't want to live like [Terri Schiavo]. But someone who is disabled and abjectly dependent on others was more apt to be chilled by the talk of her "poor quality of life" and to think: I wouldn't want to be killed like that.

Let us reject any legislative effort that springs from these false choices diminishing the rights of the incapacitated and all Americans. New Federal efforts may have the goal of protecting rights, but they may have the real effect of engineering outcomes with little regard to a patient's true interests. Instead of courting this risk, the Senate should seek to empower the disabled and all Americans.

My sense is that momentum still exists in this body to act unwisely in a way that will produce more government and fewer choices for all Americans at the end of life, so let me be clear. I intend to oppose any congressional fiat that disempowers our citizens—disabled, abled, incapacitated, or otherwise. I will oppose any such dictate that restricts the choices for our

citizens at the end of life and grows the role of government instead.

In the last 2 weeks, Americans have overwhelmingly cautioned the Congress against government mandates for the end of life. Many voices are speaking. Some have been shouting. If the Senate can't yet distinguish the country's clearly stated desire, then this body ought to fall silent and listen harder before acting.

In many ways, this is the central question of our time: whether the Federal Government will seek to expand its reach when the citizens wish for more individual empowerment. Presented with that question 2 weeks ago, the Senate got it wrong. The American people have made it clear that moving forward, there ought to be a course correction. True leaders will approach these choices dispassionately with a set of impartial principles.

I will spend a few minutes discussing what I think those principles ought to be. First, the Senate should help empower Americans to make their own choices about the end of life, whatever those choices should be. Policy ought to be grounded on the principle that Americans setting their dining room tables, in their kitchens, discussing their wishes and their fears with their loved ones, and asking in the end that government should make sure their desires are carried out. The choices they have to discuss—discuss in their homes and in their workplaces—ought to be expanded, not weakened, by Government and bureaucracy. Our policies should help their wishes to be honored by their families and their health care system—their lives sustained as they wish or unwanted treatment ended as they wish.

Second, as the Senate looks at the end of life, the Senate needs to look at the entire picture. End-of-life care is more than respirators and feeding tubes and even more than living wills. The Senate has to get beyond today's hot-button questions. The Senate ought to look at the fundamentals: conquering pain, expanding hospice care, capping the great potential of comfort care, which is known as palliative care. Supporting new ways to treat a very ill patient physically, spiritually, and emotionally, long before the last days of life, is a good use of the Senate's time.

Third, the Senate must address end-of-life issues with respect for constitutional boundaries that have been dangerously dismissed to date. For the last 2 weeks, issues of separation of powers and federalism have received virtually no attention. The Senate needs to reflect on the roots and the reason of federalism, which has given the States control over medical practice for more than 200 years. There is a line the Senate must not cross again. Beyond that line are the constitutional rights of States and, ultimately, the rights of our citizens.

Those individual rights, or citizens rights, ought to be the Senate's first

guideline in moving forward. I realize the temptation is to frame the debate entirely in terms of the heartbreaking situation of Ms. Schiavo. I believe it would be a mistake, however, to base Federal law on the basis of the tragic chaos that transpired in that woman's family. The Senate cannot jump in now and play medical czar to predetermine the outcome of every similar case. Our responsibility is to help individuals and their families to avoid the compounded tragedy that occurred in that family.

Helping Americans make their wishes clear is paramount. There are a variety of ways this can be done. The 50 States and the District of Columbia have made provisions for the declaration of individual choices, often through the creation of an advanced directive or a living will. If the Congress acts, it certainly should not thwart State laws in this area. Our goals should be to increase awareness and access and to look for ways to aid the enforcement of those wishes of families and the health care system.

Certainly, living wills should be encouraged, and thousands of Americans now are looking to fill these forms out. But in many instances, frequently that living will, a piece of paper, is not enough. Too often people will still be confused about an individual's real desires. Too often the language will not be clear or subject to misinterpretation. The bioethicist Carl Schneider of the University of Michigan said he is "appalled" at the number of people who are advising the public that a living will alone will be sufficient. He states:

Living wills often do not work.

So the national discussion about end-of-life choices should include information that will ensure that wishes be carried out, not just stated. As national leaders, those of us in the Senate can promote this discussion.

Most folks looking into advanced directives today seem to think they can just avoid a controversy through a living will. Maryland Attorney General Joe Curran recently said that 27,000 people in his State alone downloaded the forms over a period of 7 days. That is compared with 600 downloads during just 1 week in January. But, as I have indicated today—and I know it will be surprising to many Americans—the reality is the laws vary with respect to living wills and advanced directives, and often they do not ensure enforcement of a patient's wishes. Therefore, Americans need to know about vital mechanisms in addition to the living will. For example, the health care proxy, which designates one person if a person becomes incapacitated, is another approach that may be a value to our citizens because it leaves no doubt as to who speaks for those who cannot speak for themselves.

There are other options that can help ensure the effectiveness of an advanced directive. My home State uses a document called a "POLST," which stands



for "Physician Orders for Life-Sustaining Treatment," a bright-pink document that physicians place in patients' charts to help nurses and hospice workers and other providers follow the wishes of the patients for end-of-life care. Studies show these physician orders, the product of a frank discussion between patients, families, and providers, result very often in the kind of end-of-life care that patients desire.

There are various approaches being tested in other States as well, and the Senate should promote them. One of our most valuable guidelines in moving forward should be the 1990 Patient Self-Determination Act. Its spirit and letter ought to be honored for two reasons. First, the law was passed by the Congress to encourage and ease the use of States' advanced directives. It requires many Medicare and Medicaid providers to discuss advanced directives and how they will be carried out. Its requirements in that respect are as correct today as they were 15 years ago.

The second requirement of the 1990 Patient Self-Determination Act is just as important. It prohibits discrimination against those who do not have an advanced directive. Now, it is estimated that as many as 75 percent of Americans do not have an advanced directive to guide their end-of-life choices. Under the Patient Self-Determination Act, mandating different and discriminatory treatment for Medicare and Medicaid patients without advanced directives is specifically ruled out. That is the kind of protection I believe all Americans deserve: protection that ensures the preservation of all their choices.

Now, I am grateful that Senator HARKIN and others are tackling vital issues, important issues that often go ignored, such as the concerns of those who are disabled. Americans should expect the Senate, however, to do even more.

In this Congress, I will advocate vigorously for three pieces of legislation that take an appropriate Federal approach to key end-of-life issues. If the Senate has a commitment to consider the end of life seriously, I would expect those bills to come to a vote. They all involve issues I have been working on since the early 1970s when I was co-director of the Oregon Gray Panthers and taught gerontology at several Oregon universities. I have been working to improve care for older people and the dying throughout my service in the Congress and as a member of the Aging Committee in both the House and the Senate.

For more than a decade, the people of my home State of Oregon have had a passionate and thoughtful debate on end-of-life issues. Through all of this, I have found that our health care system often neglects how people die and how important it is to make dying patients and their families more comfortable.

Almost half of the dying experience moderate to severe pain in the last days of their lives. It does not have to

be that way. The distinguished Presiding Officer is one of our authorities on medical technology, and he knows medical technology and know-how exist today to reduce the suffering that I am describing. What does not exist is a medical system that supports clinicians trying to address these issues or a system to support patients and families as they try to find help for pain.

I intend to reintroduce the Conquering Pain Act, a bipartisan bill I have written that recognizes that too often at the end of life pain goes untreated for the dying patient. The Conquering Pain Act does not tell providers how to practice medicine. It certainly does not override the States' constitutional right to oversee medical practice. But it does serve to ensure that patients in every corner of our country, 24/7, 7 days a week, can get access to help as they try to deal with pain.

This legislation creates six regional Family Support Networks to assist physicians and families of patients in pain, and it ensures that in every single community in this country Americans know where to turn to get information and help when loved ones are suffering. Americans deserve to know their health care providers and their families will have resources to ease suffering. I believe the ability to see a loved one's pain properly treated can help families across this country. It certainly will add dignity and preserve choices at the end of life.

My second effort will focus on the vital work of hospice programs. More Americans are familiar with hospice today through Ms. Schiavo's case, but its true purpose may still be somewhat unclear. Hospice programs provide a range of services to control pain and other symptoms, maintain dignity, and provide comfort care, primarily to individuals in their own homes.

But the hospice benefit under Medicare needs to be improved. Today, about 20 percent of patients who die in the United States receive hospice care, and of that low number few begin their care early enough to receive the full benefit of hospice. Medicare requires patients and doctors to stop all treatment that might bring a cure before they can begin hospice treatment. I do not believe—I do not think Senators will believe—that patients should be required to abandon all hope of recovery to get the good hospice care they need, but that is what the Medicare law states today. It makes no sense, and it ought to be changed.

My Medicare Hospice Demonstration Act permits patients to seek hospice care as they seek a cure. It will not require patients and their families to abandon hope even as they move towards acceptance. For many, it will result in better care, more control, and more peaceful passage through the end of life.

Finally, the Senate ought to promote training in what is called comfort care or palliative care in our medical

schools. This is a practice that is important for the Senate to understand. Comfort care, palliative care, helps terminally ill patients live as actively as possible and helps their families cope. It neither hastens nor postpones death. It is offered in hospice programs, in the home, and in other settings. It prevents and relieves suffering by identifying, assessing, and treating pain and other problems. Those can include physical problems, emotional problems, and even spiritual concerns. Palliative care is appropriate even before hospice care. It is even compatible with aggressive efforts to prolong life, such as chemotherapy or radiation therapy.

The Palliative Care Training Act will ensure that our country has more trained professionals to offer these critical comfort care services. The legislation addresses a need that the Senate has ignored too long. Without it, our citizens will not have enough dedicated professionals to meet this enormous need.

As the distinguished Presiding Officer and I have discussed often, we are in the middle of a demographic revolution. We will have many more older people. It will not be uncommon for individuals to live beyond 100, and with Americans living so much longer than they did a century ago, it is important they have options that work for them. And demand for comfort, for palliative care, is certainly going to grow.

With all the American health care system has to offer, there has to be better care for patients and their families at the end of life. I hope these three bills I have described will get careful and thoughtful examination in the days ahead and in the hearings that apparently will begin later this week in the committee on which the distinguished Presiding Officer serves.

As I have indicated, I believe the Senate has not been appropriately careful in recent weeks. When this body first considered legislation regarding Ms. Schiavo, I made my objections known. I was compelled to block the initial version of the legislation, a bill that was put forward without hearings, without discussion, and one that threatened to turn the Congress into a convention of case-by-case medical czars. In my view, that legislation intruded dangerously on States' rights to determine medical practice.

I worked with colleagues so Congress could pass bipartisan legislation that in my view didn't set that dangerous precedent, particularly as it related to my own State's law that the people of Oregon have now approved twice. I didn't filibuster that final bill, which I had concerns about, but my concerns remain. I do not wish to see the steps of the Capitol as the new gathering place for Americans to bring their difficult family disputes at the end of life. I certainly do not want to see our Constitution trampled. Unfortunately, Congress has now opened the door to both those possibilities.

The Senate has a renewed responsibility to do better. Each State's constitutional right to determine medical practice exists whether the Congress agrees or disagrees—to put it bluntly, whether Congress likes it or not. Congress cannot only respect the principle of States rights when it thinks the State is right. In the same way, the checks and balances the Founding Fathers set among the executive, legislative, and judicial branches, those powers are not up for negotiation because they produce an outcome that is unacceptable to some Americans. Before acting, the Senate ought to consider the very nature of federalism that has brought and held our States together for more than two centuries. Then the Congress should think carefully about whether it makes sense to tear down a basic pillar of our national contract.

This body writes Federal laws. If the Senate does not like the effect of a Federal law, our prerogative is to change it. But it is not the Senate's prerogative to play constitutional chicken when matters happen outside of our jurisdiction. That is true no matter how strong our personal passions may be.

I have fought for the rights of my State and its voters to decide the issue of physician-assisted suicide at home in Oregon. As I make this point, I want to point out that I voted twice against this law as an individual citizen. On two occasions, I cast my personal ballot against legalizing assisted suicide in my State. In addition, I voted against Federal funding of assisted suicide as a Member of this body. But the people of my State have spoken on an issue they have a right to decide at home in Oregon. As I have said in this body, I intend to defend their right to make that decision in every way I can.

In the case of Ms. Schiavo, I believe that Floridians, through their representatives in the State legislature, deserve the same leeway to decide such medical matters for themselves. When Congress ignored the fact that Florida's legislature was still working on the case and ignored the right of the State courts to rule, it sought to weaken Florida's rights, Oregon's rights, and the rights of every State in our Nation. Any legislation this body passes now should not pose the same constitutional threat. The legislation I have outlined today will not, and I will oppose any legislation that does so again.

It is an imperfect process even for States to rule on medical matters. End-of-life issues are about the heart and the head, about our personal morals as well as the law. Letting States decide is the rule of the Constitution I have sworn to uphold, and I intend to stand up for that principle. It is a critically important principle that the Senate stand for. And it is a principle that ought to dictate our actions before any legislation comes to a vote on the floor. In hearings this week—and in any part of the legislative process—there are responsibilities to fulfill be-

fore the Senate acts or there is a risk of gravely irresponsible legislation.

The Senate should ask: Does any legislation on end of life meet key tests? Does it clarify and expand and ensure the choices that individuals and families can make? Does it aid in the honoring of those wishes once expressed, whether those wishes are to have life sustained or unwanted treatments withheld? Does it protect the rights of those in the disability community and those who are incapacitated, particularly when they have not had the opportunity to make their wishes known? Does it speak to more than the political debates of the moment and truly take in hand the basic issues at the end of life? Does it contribute to less pain, better care, and more peace for those at the end of life? Does it fully meet the responsibility of the Senate without usurping the constitutional role of the States and the judiciary? And finally, does it meet the obligations of the Senate to the American people without extending our reach into their personal lives?

The Senate has an obligation to learn from the events of the last 2 weeks. Before acting, let us think. The Senate has been called the world's greatest deliberative body. Let us now be more deliberative as we dare to approach issues that are more intimate and more personal than any others we could discuss.

The truth is, Americans' end-of-life choices should not be made by strangers in the Congress, pushed by the passion of one case or the political priorities that press on every side. Americans are going to continue to wrestle with end-of-life care for themselves and their loved ones for as long as breath is drawn on this soil. Americans will bring all they have to bear ethically, morally, and spiritually to make the best decisions for themselves and to honor the decisions of their loved ones. The Senate must equal their effort and do its duty with honor for those at the end of life.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, what is the parliamentary procedure we are in at the moment?

The ACTING PRESIDENT pro tempore. The Senator from Florida should know that we are in morning business and there is a 10-minute limit on the Senator's remarks.

#### USS "JOHN F. KENNEDY"

Mr. NELSON of Florida. Mr. President, I want to inform the Senate I am introducing a bill today that I will offer as an amendment to the supplemental funding bill for defense which is supposed to come out of the Appropriations Committee this week and will be coming then more than likely to the floor next week. This supplemental appropriations bill is a must-pass bill because it contains the funding for additional expenses on the war in Iraq. As

such, it becomes a vehicle through which I can try to attach an amendment that would have a significant policy effect upon our defense posture.

It is no secret that a number of us have joined in opposing the Pentagon's plans to scrap one of our 12 aircraft carriers. The aircraft carrier they have selected is the *John F. Kennedy*, which is home ported at Mayport Naval Station, which is in Jacksonville, FL. Naturally, I speak for the interests of Jacksonville and the State of Florida, but I speak with a much larger vision about the defense interests of our country.

For example, if the Pentagon, which I think has made a wrongheaded decision on budgetary reasons—they think it is going to save them a billion dollars when in fact it is not, but even so, if that were true, in the middle of a war is not the time for us to be reducing our ability to protect our forces around the world with these floating air fields that we call aircraft carriers. And we only have 12. The Pentagon is proposing to scrap one of the 12.

There is another reason. As a result of the announcement that was made by the Navy this past Friday night after business hours, the Navy is going through with the plans on the *Kennedy* by scrapping the plans for rehabbing it in dry dock. It is not a surprise, but it is a confirmation that it is the *John F. Kennedy* they are planning to axe. The significance of this from a defense posture is that it leaves all of our remaining carriers in the Atlantic fleet home ported in one port—Norfolk, VA.

The significance of that is in testimony in our Senate Armed Services Committee, over and over, four star admirals have come in front of us and said: Don't keep all of your carrier assets in one place. Spread them out.

It is no secret that when a terrorist is looking to do some damage of closing up a port, particularly a port that is upriver such as Norfolk, with some one or several carriers that could be in port, just sinking debris in the channel could close up the port. That is not the defense posture we want.

So there is no one who is in the uniformed military who thinks you should not spread your assets. As a matter of fact, on the west coast, on the Pacific fleet, we have three ports for aircraft carriers. The response is: If you are going to scrap the *Kennedy*, which is a conventional carrier, powered by oil, why not then take one of the nuclear carriers and put it down at Mayport Naval Station and you have achieved the same thing? That would be good, but it is going to take, according to testimony in the Armed Services Committee, a minimum of 5 to 7 years before that could happen because of the environmental impact statement that first has to be done and then, secondly, the reconfiguring of the docks and the other facilities to be able to handle a nuclear-powered carrier. The result of this is that for 5 to 7 years you do not have another home port for a nuclear

carrier on the east coast of the United States, and all of them are home-ported in one place. That is not the defense posture the United States should be in.

It is another thing to talk about the parochial interests, which I represent, of Jacksonville and Florida. That is certainly an economic hit because Jacksonville, even if they get a nuclear carrier—and by the way, 5 to 7 years down the road it is another administration and another Congress to make those decisions—but in the meantime, Jacksonville doesn't have a carrier for 5 to 7 years, with the economic hit that takes place and the Nation doesn't have its carrier assets spread on the Atlantic coast of this country. That is not a position we should have.

I am going to offer a compromise, since it seems that the Pentagon is absolutely intent on scrapping—they call it mothballing—this carrier. The compromise I am suggesting, and I talked to the Vice Chairman of the Joint Chiefs just moments ago, is since the Navy and the Pentagon have decided they are not going to rehab the *John F. Kennedy* in a dry dock and save that expense, but the *Kennedy* can remain operational for the next 3 to 4 to 5 years without being rehabbed in dry dock, let us keep our assets dispersed on the east coast until these decisions are made and the facilities are changed so we can spread our nuclear carrier assets.

That does another thing for the defense policy of this country. There is a question coming up in 2008, when the conventionally powered aircraft carrier *Kitty Hawk* is scheduled to be decommissioned. She is now home-ported in Japan because Japan, the Japanese Government, has had a policy of not accepting a nuclear carrier. What happens if by 2008 the Japanese Government does not change the policy and will not receive a nuclear carrier? Then we ought to have the *John F. Kennedy* kept alive in an operational status where it can fill that role and, over the course of the next 3 years coming up to 2008—and we are in 2005 right now—we will know the status.

From the standpoint of defense policy, No. 1, of spreading our carrier assets, the compromise I am offering makes sense. No. 2, from the standpoint of being able to respond quickly if we needed another conventionally powered carrier in Japan, we would have a backup conventional carrier in 2008 if the Japanese Government would not receive a nuclear carrier. And, No. 3, it would not disrupt the lives of all those Jacksonville families by suddenly abolishing one of our carriers and all of the 5,000 sailors and their families and perhaps other ships in the carrier battle group that would go away. It seems to me it is the prudent defense policy thing to do.

I know if I offer this, if it is not being considered in the Pentagon, that I am swimming upstream. But I think it is worth the fight, not only as a Senator

representing Florida but as a member of the Senate Armed Services Committee; it is a matter of protection, of the defense interests of this country.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I ask unanimous consent that I be recognized to speak for up to 10 minutes, but then following my remarks that the Senator from Tennessee be recognized for any remarks he might have, and following the conclusion of his remarks that I might then be recognized at that time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### HONORING POPE JOHN PAUL II

Mr. CORNYN. Mr. President, today we mourn the passing of a great man. In the long history of Roman Catholic Popes, John Paul II is among the greatest in championing human dignity. He also was a champion for the sanctity of human life and for the family and for working for the good of his Church. He is the kind of leader who only comes along once in a very great long time.

As the most traveled pontiff of all time, Pope John Paul personally delivered hope, encouragement, and inspiration to more people in more places than any other person in human history. And he was especially beloved by the youth, the future of our world, with whom he had a very special relationship.

Catholics and non-Catholics alike should feel fortunate to have had such a leader in our midst, a man who gave so much to humanity.

Undeterred, perhaps even driven a bit harder by an assassin's bullets, this devout man embarked on an exhausting journey over a quarter of a century to spread words of freedom, compassion, and justice. His mission seems to have been nothing less than redemption of the world. Surely, but for men such as this, the world would have long fallen into irreparable chaos and decline.

Elected Bishop of Rome on October 16, 1978, Pope John Paul II's faith and courage was forged and proven as a Polish priest standing up to the horrors of the Soviet Union. He took his stance at a time when dissidents were whisked away in the dark, never to be heard from again. Yet John Paul's perseverance eventually awakened the soul of a nation of secret believers who stood in candlelit solidarity to bring down an evil empire.

According to Harvard theologian George Williams, a Protestant who be-

friended the Pope many years ago, he is an imposing man in physique, big in intellectual vision, who deeply enjoys people. In a most remarkable way, he is a man whose soul is at leisure with himself.

Only two Popes have served longer and none with more sustained vigor, clarity, or cheerfulness. Even after his step faltered and his voice began to waiver, he bore his infirmities with honor and humor. Although his body was failing, his indomitable spirit continued to touch the world and teach us about the strength and promise of the human heart.

This great Pope was loved by people of various religions and across ideological spectrums. Even many who disagreed with him respected his grand vision and his convictions. Having captured the world's attention and admiration by standing for our better angels for so long, Pope John Paul II will surely stand with President Ronald Reagan as one of the giants of our time.

Both men understood deeply where the hope of mankind lay—in faith, in courage, in liberty. On October 11, 2001, 1 month after the devastating terrorist attacks of 9/11, John Paul offered this prayer:

O God almighty and merciful, he who sows discord cannot understand You. He who loves violence cannot welcome You. Watch over us in our painful condition, tried by the brutal acts of terrorism and death. Comfort Your children and open our hearts to hope that in our time, we again may know serenity and peace.

I can only add my own amen to that prayer.

I yield the floor to Senator ALEXANDER under the terms of the previous order.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the Senator from Texas. I join with him in his thoughts about Pope John Paul II and the thoughts of our other colleagues that have been expressed. He was a man of sincerity and great character. He traveled more than any other Pope. He traveled the United States more than any other Pope. He carried a message of peace. He carried a message of charity. He had a profound impact on the world and his native country of Poland. It can fairly be said that Poland would not have overthrown communism, at least not when it did, had it not been for Pope John Paul.

I remember in 1987, our family had lived in Australia for 6 months, three teenagers and a 7-year-old, and we came home from around the world in a little different way. We took a train from Moscow to Paris. This was before the Berlin Wall came down. All of us, our different ages in our family, remember how in Poland the churches were open and vibrant, they were active, and people were there. In Russia, they were museums. We thought about that. We think about that today as we

reflect back on the role of this man who was an example for each of us and who deserves the world's attention, the world's prayers, and the world's acclaim.

#### EIGHT-DAY BIPARTISAN CONGRESSIONAL DELEGATION

Mr. ALEXANDER. Mr. President, I have remarks that I would like to make on two different subjects. One has to do with a visit by a delegation of Senators led by the Democratic leader, the Senator from Nevada, Mr. REID, and then a brief remark about the proposal that we use the supplemental appropriations bill to turn State driver's licenses into national identification cards.

First I will comment on the 8-day congressional delegation that I was a part of over the last recess. It was led, as I said, by the Democratic leader. Let me say first how much I appreciate the style of his leadership. He is the Democratic leader, and occasionally there is a partisan word in this place, but this was a bipartisan delegation. We visited eight countries in 8 days, including Jerusalem, Israel, the Palestinian territories—visited leaders of the Palestinian Authority—we visited Kuwait, Iraq, Georgia, and the Ukraine. In France, we received a NATO briefing from our ranking general.

I think it is important for this body to know that in all of his public and private comments, the Democratic leader spoke for the administration of the U.S. Government. In other words, whatever his private views of policy difference might have been, he did not express those outside of this country. I was not surprised by that—I think that is the way it ought to be—but I was impressed by that. I was impressed by that part of his attitude, by the bipartisan quality of the delegation, and by the hard work he expected of those on the delegation. I appreciated the chance to be included, and I appreciated his leadership.

As I am sure the Senator from North Carolina, who occupies the chair, knows, and the Senator from Texas feels the same way, there are so many thousands of people—in my case, Tennesseans—serving in Iraq and Kuwait that I almost felt at home visiting there last week. My wife Honey and I were greeted at the Kuwait Airport by an Army reservist who is publisher of the Dyersburg News and copublisher of the State Gazette. We had dinner with the 844th Engineer Combat Battalion, which is based in Knoxville, which includes more than 500 Tennesseans. One of those reservists is SGT Amanda Bunch, a nursing assistant at Asbury Acres in Maryville, my hometown where my mother and grandfather lived for a few years. The school superintendent from Athens, just down the road from my hometown; the president of the Lexington Rotary Club in west Tennessee, a physician; three Blount County deputies, from my home coun-

ty—all among those serving in the Tennessee National Guard.

I may have felt at home, but as LTC Don Dinello, who commands the 844th, reminded me, no place there is entirely safe. A few days earlier, a patrol had discovered explosives on a bridge over which the colonel's soldiers might have traveled. Thankfully, the explosive device was disarmed before anyone was hurt.

In Baghdad, I ate lunch with three marines who were recent high school graduates from Savannah, Manchester, and Tullahoma, TN. Their mission is to guard the U.S. Embassy. I asked one of these young men what a U.S. Senator should know about their work. Andrew Pottier of Savannah told me:

Not much to know, sir. They shoot at us and we just shoot them back.

Not even in the Green Zone, where several thousand Americans work every day, was it entirely safe. The protocol officer greeted us wearing a nice green dress covered by a flack jacket. When one of the members of our delegation, a female Senator, went to the ladies restroom, a female soldier with an AK-47 went first, inspecting every stall.

I was reminded just a couple of days ago how dangerous it can be when I went to the funeral in Sevier County of SGT Paul W. Thomason, III, the first member of our National Guard unit, the 278th, to be killed.

It is very difficult to grasp the reality of the security situation in Iraq. It is hard to grasp it from television. On the one hand, there is the danger I just described. On the other hand, our casualties are significantly down. Twelve of the 17 Iraqi provinces, we were told by our commanders there, are relatively without incident. An average of 800 supply trucks convoy each day from Kuwait to the edge of Baghdad. Since August, there have been 166 attacks on these trucks, killing 2 soldiers.

Forty percent of those serving in Iraq and Kuwait are reservists or guardsmen. Several thousand of them are from Tennessee. Most left behind families, jobs, and mortgages for up to 18 months. Far from home, they are dealing with child custody, insurance, births, and deaths. Thirty percent of the members of the 844th unit, with whom I visited, are continuing their education online. I brought home information so I could help seven reservists who are having trouble with their citizenship applications.

Here are three other thoughts from that visit:

One, armored vehicles. Commanders in Kuwait assured me that no humvee or truck is now going into a combat zone without Level I or Level II armor.

Second, in the training of Iraq forces, we met with GEN David Patraeus, the former commander of Fort Campbell's 101st Airborne Division and one of our most accomplished military leaders. He persuaded me and I think most other members of our delegation that

training is proceeding in an impressive way. It is not complete, but we are making progress.

Finally, infant democracies. We have sacrificed many lives and paid a heavy price in dollars to invade Iraq and remove Saddam Hussein, but without that decision there would be no infant democracies in Iraq and Afghanistan. Georgia, Ukraine, and Kuwait would be less democratic, and Syria would not be pulling troops out of Lebanon. We in the world are safer without Saddam Hussein, who the new Prime Minister designate of Iraq, if he is elected, told us, in his words, that Saddam had buried alive 300,000 people.

When will our troops come home? I do not know. I believe we must have a success strategy, not just an exit strategy. This strategy should be based on whether Iraqis can reasonably defend themselves and whether they have some sort of constitutional government. Having liberated Iraq, it is now not our job to stay there until there is a perfect democracy.

We Americans are very impatient. We also sometimes have short memories. We are expecting the Iraqis to come up with a constitution by August. It took America 12 years to write a constitution after declaring our independence, another 130 years to give women the right to vote in this country, and nearly 200 years before African Americans were allowed to vote in every part of America.

I hope after the two Iraqi elections scheduled for the end of 2005 that we will begin to see large numbers of Tennesseans coming home; for our average stay in other instances where the United States has helped build nations, as in Germany and Japan, has been about 5 years.

The Presbyterian Chaplain of the 844th—which I visited—Rev. Tim Fary from Rhea County, I discovered I had met before. He was then 8 years old and I was Governor of Tennessee. I was playing a piano concert with the Chattanooga Symphony at a July concert at Chickamauga near Chattanooga. Tim Fary, 8 years old, was lost.

He told me:

When I found my parents 2 hours later, I had a handwritten note that read, "Dear Tim: Thank you for your advice. Governor Lamar Alexander." That note kept me out of trouble. I still have it.

We hope Tim's prayers, as well as our own, will keep our brave Tennesseans safe so they can accomplish their mission and come home soon.

#### DRIVER'S LICENSES

Mr. ALEXANDER. Mr. President, I would now like to speak for 4 or 5 minutes on another subject. I again thank the Senator from Texas. This is a subject that I recently wrote an op-ed about, which was published last week in the Washington Post. Fearing that many of my colleagues might have been in places such as Texas or Tennessee or Iraq and might have missed

it, I will make virtually the same remarks here.

Specifically, I am concerned about the so-called "Real ID Act," a bill recently passed by the House of Representatives that would require States to turn 190 million driver's licenses into national identification cards, with State taxpayers, I am afraid, paying most of the costs.

The first thing wrong here is that some House Members want to stick that identification card proposal on the appropriations bill that supports troops in Iraq. We should not slow down money for our troops while we debate identification cards.

The second problem is that States not only get to create these identification cards, States will likely end up paying the bill. This is one more of the unfunded Federal mandates that we Republicans especially promised to stop.

Supporters argue this is no mandate because States have a choice. Well, true. States may refuse to conform to the proposed Federal standards and issue licenses to whomever they choose, including illegal immigrants. But, if they do, States' licenses will not be accepted for "Federal purposes," such as boarding an airplane. That is some choice. What Governor will deny his or her citizens the identification they need to travel by air or to cash Social Security checks or for "other Federal purposes?"

Of course, this identification card idea might backfire on us, the Members of Congress. Some feisty Governor might ask: Who are these people in Washington telling us what to do with our driver's licenses and making us pay for them, too?

A Governor, let us say from California, might say: California will use its licenses for certifying drivers, and Congress can create its own identification cards for people who want to fly and do other federally regulated things. And, if they do not, I will put on the Internet the home telephone numbers of all the Congressmen.

That is what some feisty Governor might say.

If just one State refuses to do the Federal Government identification work, Congress would be forced to create what it claims to oppose, a Federal identification card for citizens of that State.

Finally, if we must have a better identification card for some Federal purposes, there may be better ideas than turning State driver's license examiners into CIA agents. For example, Congress might create an airline traveler's card, or there could be an expanded-use U.S. passport. Since a motive here is to discourage illegal immigration, probably the most logical idea is to upgrade the Social Security card, which directly relates to the reason most immigrants come to the United States, to work.

I have fought government identification cards as long and as hard as any-

one in this Chamber. In 1983, when I was Governor of Tennessee, our Tennessee Legislature voted to put photographs on driver's licenses. Merchants and policemen wanted a State identification card to discourage check fraud and teenage drinking. I vetoed this photo driver's license bill twice because I believed driver's licenses should be about driving and that State identification cards infringed on civil liberties.

That same year, 1983, I visited the White House on the annual visit that Governors have with the President of the United States. As I got to the gate, a White House guard asked for my photo identification.

I said to the guard: We don't have photo driver's licenses in Tennessee. I vetoed them.

The guard said: Well, you can't get in without one.

Fortunately, the Governor of Georgia, the late George Busbee, was standing there next to me. He had his Georgia photo driver's license. He vouched for me. I was admitted to the White House.

The legislature at home overrode my veto, and I gave up my fight against the State identification card. For years, the State driver's licenses have served as a de facto national identification card. But they have been unreliable. All but one of the 9/11 terrorists had valid driver's licenses.

Even today, when I board an airplane, as I did this morning, security officials look at the front of my driver's license, which expired in 2000, and rarely turn it over to verify that it has been extended until 2005.

My point is, we already have a national identification card. They are called driver's licenses. They are just ineffective.

I still detest the idea of a government identification card. South Africa's experience is a grim reminder of how such documents can be abused.

But I am afraid this is one of the ways 9/11 has changed our lives. Instead of pretending that we are not creating national identification cards, when we obviously are, I believe Congress should carefully create an effective Federal document that helps prevent terrorism with as much respect for privacy as possible.

I thank the Senator from Texas for his courtesy. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

#### FEDERAL COURTS

Mr. CORNYN. Mr. President, I wanted to talk a little bit about our courts, and specifically our Federal courts, and even more specifically the United States Supreme Court.

Before I start, let me just say I have the greatest respect for our judiciary, the men and women who wear black robes—whether it is on a municipal court or a county court or a district court like I served on in San Antonio, Bexar County, TX, for 6 years, or those who work on appellate courts, whether

State or Federal, like I did on the Texas Supreme Court for 7 years.

For 13 years of my professional life, I have worn a black robe, judging cases, first presiding over the jury trials, and coming to have a great deal of respect not just for those judges but for men and women who serve on juries and decide hard cases, cases which, perhaps, they would prefer not have to sit in judgment of, some involving even the death penalty.

I don't want anyone to misunderstand what I say as being a blanket criticism of either the judiciary or the U.S. Supreme Court, in particular. From my own experience, judges, although they have important jobs to do, are no different than you and I. They are mere mortals, subject to the same flashes of mediocrity, sometimes making mistakes, and sometimes displaying flights of brilliance. These are not, as some people have suggested, high priests able to discern great truths that you and I are unable to figure out. They are generally very intelligent, with outstanding educational pedigrees, but no one has agreed that judges, particularly Federal judges, can be or should be a law unto themselves.

Federal judges are appointed subject to advice and consent provisions of the Constitution for a lifetime. They do not run for election. They do not have to raise money as do other politicians. I know those who do envy them that. But the idea is they are supposed to use that independence in order to be impartial umpires of the law—it is called balls and strikes—and they should use that independence that has been given to them in order to resist politics, in order to resist those who would suggest that in order to be popular you must subscribe to a particular way of thinking or a particular social or political or ideological agenda.

Given that framework the Founding Fathers agreed was so important and that I know we all agree is important today to preserve that independence so as to preserve that judicial function, it causes a lot of people, including me, great distress to see judges use the authority they have been given to make raw political or ideological decisions. No one, including those judges, including the judges on the U.S. Supreme Court, should be surprised if one of us stands up and objects.

I make clear I object to some of the decisionmaking process occurring at the U.S. Supreme Court today and now. So far as the Supreme Court has taken on this role as a policymaker rather than an enforcer of political decisions made by elected representatives of the people, it has led to increasing divisiveness and bitterness of our confirmation fights that is a very current problem this body faces. It has generated a lack of respect for judges generally. Why should people respect a judge for making a policy decision born out of an ideological conviction any more than they would respect or deny

themselves the opportunity to disagree if that decision were made by an elected representative? The difference is they can throw the rascal out and we are sometimes perceived as the rascal if they do not like the decisions made, but they cannot vote against a judge, because judges are not elected. They serve for a lifetime on the Federal bench.

The increasing politicization of the judicial decisionmaking process at the highest levels of our judiciary has bred a lack of respect for some of the people who wear the robe. That is a national tragedy.

Finally, I don't know if there is a cause-and-effect connection, but we have seen some recent episodes of courthouse violence in this country—certainly nothing new; we seem to have run through a spate of courthouse violence recently that has been on the news. I wonder whether there may be some connection between the perception in some quarters on some occasions where judges are making political decisions yet are unaccountable to the public, that it builds and builds to the point where some people engage in violence, certainly without any justification, but that is a concern I have that I wanted to share.

We all are students of history in this Senate, we all have been elected to other bodies and other offices, and we are all familiar with the founding documents, the Declaration of Independence, the Constitution itself. We are familiar with the Federalist Papers that were written in an effort to get the Constitution ratified in New York State. Alexander Hamilton, apropos of what I will talk about, authored a series of essays in the Federalist Papers that opine that the judicial branch would be what he called the "least dangerous branch of government." He pointed out that the judiciary lacked the power of the executive branch, the White House, for example, in the Federal Government and the political passions of the legislature. In other words, the Congress. Its sole purpose—that is, the Federal judiciary's sole purpose—was to objectively interpret and apply the laws of the land and in such a role its job would be limited.

Let me explain perhaps in greater detail why I take my colleagues' time to criticize some of the decisionmaking being made by some Federal courts in some cases. This is not a blanket condemnation. I hope I have made it clear I respect the men and women who wear the robe, but having been a judge myself I can state that part of the job of a judge is to criticize the reasoning and the justification for a particular judgment. I certainly did that daily as a state supreme court justice. And I might add that people felt free to criticize my decisions, my reasoning and justification for the judgments I would render. That is part of the give and take that goes into this. I make clear my respect generally for the Federal judiciary, including the U.S. Supreme Court.

I am troubled when I read decisions such as *Roper v. Simmons*. This is a recent decision from March 1, 2005. Let me state what that case was about. This was a case involving Christopher Simmons. Christopher Simmons was seven months shy of his 18th birthday when he murdered Shirley Crook. This is a murder he planned to commit. Before committing the crime, this 17-year-old who was 7 months shy of his 18th birthday, encouraged his friends to join him, assuring them that they could "get away with it," because they were minors. Christopher Simmons and his cohorts broke into the home of an innocent woman, bound her with duct tape and electrical wire, and then threw her off a bridge, alive and conscious, resulting in her subsequent death.

Those facts led a jury in Missouri, using the law in Missouri that the people of Missouri had chosen for themselves through their elected representatives, to convict him of capital murder and to sentence him to death.

Well, this 17-year-old boy, or young man I guess is what I would call him, Christopher Simmons, challenged that jury verdict and that conviction all the way through the State courts of Missouri and all the way to the U.S. Supreme Court. And the United States Supreme Court, on March 1, 2005, held that Christopher Simmons or any other person in the United States of America who is under the age of 18 who commits such a heinous and premeditated and calculated murder cannot be given the death penalty because it violates the U.S. Constitution.

In so holding, the U.S. Supreme Court said: We are no longer going to leave this in the hands of jurors. We do not trust jurors. We are no longer going to leave this up to the elected representatives of the people of the respective States, even though 20 States, including Missouri, have the possibility at least of the death penalty being assessed in the most aggravated types of cases, involving the most heinous crimes, against someone who is not yet 18.

This is how the Court decided to do that. First, it might be of interest to my colleagues that 15 years earlier the same U.S. Supreme Court, sitting in Washington, across the street from this Capitol where we are standing today, held just the opposite. Fifteen years ago, the U.S. Supreme Court held that under appropriate circumstances, given the proper safeguards, in the worst cases involving the most depraved and premeditated conduct, a jury could constitutionally convict someone of capital murder and sentence them to the death penalty. But 15 years later, on March 1, they said what was constitutional the day before was no longer constitutional, wiping 20 States' laws off the books and reversing this death penalty conviction for Christopher Simmons.

What I want to focus on now is the reasoning that Justice Anthony Ken-

nedy, writing for the U.S. Supreme Court, in a 5-to-4 decision, used to reach that conclusion.

First, Justice Kennedy adopted a test for determining whether this death penalty conviction was constitutional. This ought to give you some indication of the problems we have with the Supreme Court as a policymaker with no fixed standards or objective standards by which to determine its decisions to make its judgments. The Court embraced a test that it had adopted earlier referring to the "evolving standards of decency that mark the progress of a maturing society." Let me repeat that. The test they used was the "evolving standards of decency that mark the progress of a maturing society."

I would think any person of reasonable intelligence, listening to what I am saying, would say: What was that? How do you determine those "evolving standards"? And if they are one way on one day, how do they evolve to be something different the next day? And what is a "maturing society"? How do we determine whether society has matured? I think people would be justified in asking: Isn't that fancy window dressing for a preordained conclusion? I will let them decide.

Well, it does not get much better because then the Court, in order to determine whether the facts met that standard, such as that this death penalty could not stand, or these laws in 20 States cannot stand, looked to what they called an "emerging consensus." Well, any student of high school civics knows we have a Federal system, and the national Government does not dictate to the State governments all aspects of criminal law. In fact, most criminal law is decided in State courts in the first place.

Nevertheless, the Supreme Court of the United States, in a 5-to-4 decision, looked for an "emerging consensus" and in the process wiped 20 States' laws off the books. I will not go into the details of how they found a consensus, but suffice it to say it ought to be that in a nation comprised of 50 separate sovereign State governments, where 20 States disagree with the Court on its decision that wipes those 20 States' courts laws off the books, it can hardly be called a consensus, if language is to have any meaning.

Secondly, the Court said: We will also look to our own decisions, our own judgment over the propriety of this law. In other words, they are going to decide because they can, because basically their decisions are not appealable, and there is nowhere else to go if they decide this law is unconstitutional. The American people, the people of Missouri, the people who support, under limited circumstances, under appropriate checks and balances, the death penalty for people who commit heinous crimes under the age of 18 are simply out of luck; this is the end of the line.

Well, finally—and this is the part I want to conclude on and speak on for a



few minutes—the Court demonstrated a disconcerting tendency to rely on the laws of foreign governments and even treaties in the application and enforcement of U.S. law. This is a trend that did not start with the *Roper* case, but I did want to mention it in that connection.

But if the U.S. Supreme Court is not going to look to the laws of the United States, including the fundamental law of the United States, which is the Constitution, but interpreting what is and is not constitutional under the U.S. Constitution by looking at what foreign governments and foreign laws have to say about that same issue, I fear that bit by bit and case by case the American people are slowly losing control over the meaning of our laws and the Constitution itself. If this trend continues, foreign governments may have a say in what our laws and our Constitution mean and what our policies in America should be.

Let me digress a second to say this is as current as the daily news. As a matter of fact, I saw in the *New York Times* on April 2 an article concerning Justice Ginsburg, a member of that five-member majority in the *Roper* case. The headline is: “Justice Ginsburg Backs Value of Foreign Law.” Reading from this story, written by Anne Kornblut, it says:

In her speech, Justice Ginsburg criticized the resolutions in Congress and the spirit in which they were written.

She is referring to a resolution I have filed, and I sent out a “dear colleague” today expressing concerns about this issue. But she said:

Although I doubt the resolutions will pass this Congress—

I don’t know where she gets her information. I think there is a lot of positive sentiment in favor of what the resolution says, and I will talk about that in a minute.

Although I doubt the resolutions will pass this Congress, it is disquieting that they have attracted sizable support.

I am a little surprised that a sitting U.S. Supreme Court Justice would engage in a debate about a current matter, which has yet to be decided by the Senate, which is a resolution expressing concern about the use of foreign laws and treaties to interpret what the U.S. Constitution should mean. I am a little surprised by it.

In a series of cases over the past few years our courts have begun to tell us that our criminal laws and our criminal policies are informed not just by our Constitution and by the policy preferences and legislative enactments of the American people through their elected representatives, but also by the rulings of foreign courts. I understand it is hard to believe, and most people listening to what I am saying are asking themselves: Could this be true? Is it possible? I know it is hard to believe, but in a series of recent cases, including the *Roper* case, the U.S. Supreme Court has actually rejected its own prior decisions in part because a for-

eign government or court has expressed disagreement with the conclusion they had reached.

Until recently the U.S. Supreme Court had long held that under appropriate safeguards and procedures, the death penalty may be imposed by the States regardless of the IQ of the perpetrator. The Court had traditionally left this issue untouched as a matter for the American people and each of their States to decide, as the Court said in a case called *Penry v. Lynaugh* in 1989. Yet because some foreign governments had frowned upon that ruling, the U.S. has now seen fit to take that issue away from the American people entirely. In 2002, in a case called *Atkins v. Virginia*, the U.S. Supreme Court held that the Commonwealth of Virginia could no longer apply its criminal justice system and its death penalty to an individual who had been duly convicted of abduction, armed robbery, and capital murder because of the testimony that the defendant was mildly mentally retarded. The reason given for this reversal of the Court’s position that it had taken in 1989 to 2002? In part it was because the Court was concerned about “the world community” and the views of the European Union.

Take another example. The U.S. Supreme Court had long held that the American people in each of the States have the discretion to decide what kinds of conduct that have long been considered immoral under longstanding legal traditions should or should not remain illegal. In *Bowers v. Hardwick* in 1986, the Court held that it is up to the American people to decide whether criminal laws against sodomy should be continued or abandoned. Yet once again because foreign governments have frowned upon that ruling, the U.S. Supreme Court saw fit in 2003, in *Lawrence v. Texas*, to hold that no State’s criminal justice system or its criminal justice laws could be written in a way to reflect the moral convictions and judgments of their people.

The reason given for this reversal from 1986 to 2002? This time the Court explained that it was concerned about the European Court of Human Rights and the European Convention on Human Rights.

I have already mentioned the case of *Roper v. Simmons*. But most recently, on March 28, the U.S. Supreme Court heard oral arguments in a case that will consider whether foreign nationals duly convicted of the most heinous crimes will nevertheless be entitled to a new trial for reasons that those individuals did not even bother to bring up during their trial. As in the previous examples, the Supreme Court has already answered this issue but decided to revisit it once again. In 1998, in *Breard v. Green*, the Court made clear that criminal defendants, like all parties in lawsuits, may not sit on their rights and must bring them up at the time the case is going on or be prohibited from raising those issues later on,

perhaps even years later. That is a basic principle of our legal system. In this case, the Court has decided to revisit whether an accused who happens to be a foreign national, subject to the Vienna Convention on Consular Relations, should be treated differently from any other litigant in our civil litigation systems and in State and Federal courts or in the Federal system reviewing State criminal justice provisions.

Even this basic principle of American law may soon be reversed. Many legal experts predict that in the upcoming case of *Medilline v. Dretke*, the Court may overturn itself again for no other reason than that the International Court of Justice happens to disagree with our longstanding laws and legal principles. This particular case involves the State of Texas. I have filed an amicus brief, a friend of the court brief, in that decision, asking the Court to allow the people of Texas to determine their own criminal laws and policies consistent with the U.S. States Constitution and not subject to the veto of the Vienna Convention on Consular Rights or the decision of some international court.

There is a serious risk, however, that the Court will ignore Texas law, will ignore U.S. law, will reverse itself, and decide in effect that the decisions of the U.S. Supreme Court can be overruled by the International Court of Justice.

I won’t dwell on this any longer, but suffice it to say there are other examples and other decisions where we see Supreme Court Justices citing legal opinions from foreign courts across the globe as part of the justification for their decisions interpreting the U.S. Constitution. These decisions, these legal opinions from foreign courts range from countries such as India, Jamaica, Zimbabwe, and the list goes on and on.

I am concerned about this trend. Step by step, with each case where this occurs, the American people may be losing their ability to determine what their laws should be, losing control in part due to the opinions of foreign courts and foreign governments. If this happens to criminal law, it can also spread to other areas of our Government and our sovereignty. How about our economic policy, foreign policy? How about our decisions about our own security?

Most Americans would be disturbed if we gave foreign governments the power to tell us what our Constitution means. Our Founding Fathers fought the Revolutionary War precisely to stop foreign governments—in this case, Great Britain—from telling us what our laws should be or what the rules should be by which we would be governed. In fact, ending foreign control over American law was one of the very reasons given for our War of Independence.

The Declaration of Independence itself specifically complains that the American Revolution was justified in

part because King George “has combined with others to subject us to a jurisdiction foreign to our Constitution and unacknowledged by our laws.”

After a long and bloody revolution, we earned the right at last to be free of such foreign control. Rather, it was we the people of the United States who then ordained and established a Constitution of the United States and our predecessors, our forefathers, specifically included a mechanism by which we the people of the United States could change it by amendment, if necessary.

Of course, every judge who serves on a Federal court swears to an oath to “faithfully and impartially discharge and perform all the duties incumbent upon me . . . under the Constitution and laws of the United States, so help me God.”

As you can tell, I am concerned about this trend. I am concerned that this trend may reflect a growing distrust amongst legal elites—not only a distrust of our constitutional democracy, but a distrust of the American people and America itself.

As every high school civics student knows, the job of a judge is pretty straightforward. Judges are supposed to follow the law, not rewrite it. Judges are supposed to enforce and apply political decisions that are made in Congress and that are signed into law by the President of the United States. Judges are not supposed to make those decisions or substitute their own judgments or those political judgments hashed out in the legislative process in this body and this Capitol. The job of a judge is to read and obey the words contained in our laws and in our judicial precedents—not the laws and precedents of foreign governments, which have no authority over our Nation or the American people.

I am concerned that some judges who simply don't like our laws—and they don't like the decisions made by Americans through their elected representatives here about what those laws should be—are using this as another way to justify their decision to overreach. So it appears they would rather rewrite the law from the bench. What is especially disconcerting is that some judges today may be departing so far from American law, from American principles, and from American traditions that the only way they can justify their rulings is to cite the law of foreign countries, foreign governments, and foreign cultures, because there is nothing left for them to cite for support in this country.

Citing foreign law in order to overrule U.S. policy offends our democracy because foreign lawmaking is obviously in no way accountable to the American people. Here again—and I started out by saying I am not condemning all Federal judges; I have great respect for the Federal judiciary—I am not condemning international law. Obviously, there is a way by which international law can apply

to the United States, and that is through the treaty process, which is, of course, subject to ratification by the U.S. Congress.

There is an important role for international law in our system, but it is a role that belongs to the American people through the political branches—the Congress and the President—to decide what that role should be and indeed what that law should be; it is not a role given to our courts. Article I of the U.S. Constitution gives the Congress, not the courts, the authority to enact laws punishing “Offenses against the Law of Nations,” and article II of the Constitution gives the President the power to ratify treaties, subject to the advice and consent and the approval of two-thirds of the Senate. Yet our courts appear to be, in some instances, overruling U.S. law by citing foreign law decisions in which the U.S. Congress had no role and citing treaties that the President and the U.S. Senate have refused to approve.

To those who might say there is nothing wrong with simply trying to bring U.S. laws into consistency with other nations, I say this: This is not a good faith attempt to bring U.S. law into global harmony. I fear that, in some instances, it is simply an effort to further a political or ideological agenda, because the record suggests that this sudden interest in foreign law is more ideological than legal; it seems selective, not principled.

U.S. courts are following foreign law, it seems, inconsistently—only when needed to achieve a particular outcome that a judge or justice happens to desire but that is flatly inconsistent with U.S. law and precedent. Many countries, for example, have no exclusionary rule to suppress evidence that is otherwise useful and necessary in a criminal case. Yet our courts have not abandoned the exclusionary rule in the United States, relying upon the greater wisdom and insight of foreign courts and foreign nations. I might add that very few countries provide abortion on demand. Yet our courts have not abandoned our Nation's constitutional jurisprudence on that subject. Four Justices of the Supreme Court believe that school choice programs that benefit poor urban communities are unconstitutional if parochial schools are eligible, even though other countries directly fund religious schools.

Even more disconcerting than the distrust of our constitutional democracy is the distrust of America itself. I would hope that no American—and certainly no judge—would ever believe that the citizens of foreign countries are always right and that America is always wrong. Yet I worry that some judges become more and more interested in impressing their peers in foreign judiciaries and foreign governments and less interested in simply following the U.S. Constitution and American laws. At least one U.S. Supreme Court Justice mentioned publicly—and Justice Ginsburg's com-

ments were reported on April 2 in the New York Times. A Justice has stated that following foreign rulings rather than U.S. rulings “may create that all important good impression,” and therefore, “over time, we will rely increasingly . . . on international and foreign courts in examining domestic issues.”

Well, let me conclude by saying I find disturbing this attitude and these expressions of support for foreign laws and treaties that we have not ratified, particularly when they are used to interpret what the U.S. Constitution means. The brave men and women of our Armed Forces are putting their lives on the line in order to champion freedom and democracy, not just for the American people but for people all around the world. America today is the world's leading champion of freedom and democracy. I raise this issue, and I have filed a resolution for the consideration of my colleagues on this issue. I speak about it today at some length because I believe this is an important matter for the American people to know about and to have a chance to speak out on.

I believe the American people—certainly the people in Texas—do not want their courts to make political decisions. They want their courts to follow and apply the law as written. I believe the American people do not want their courts to follow the precedents of foreign courts. They want their courts to follow U.S. laws and U.S. precedents. The American people do not want their laws controlled by foreign governments. They want their laws controlled by the American Government, which serves the American people. The American people do not want to see American law and American policy outsourced to foreign governments and foreign courts.

So I have submitted a resolution to give this body the opportunity to state for the record that this trend in our courts is wrong and that American law should never be reversed or rejected simply because a foreign government or a foreign court may disagree with it. This resolution is nearly identical to one that has been introduced by my colleague in the House, Congressman TOM FEENEY. I applaud his leadership and efforts in this area, and I hope both the House and Senate will come together and follow the footsteps of our Founding Fathers, to once again defend our rights as Americans to dictate the policies of our Government—informed but never dictated by the preferences of any foreign government or tribunal.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

#### HONORING POPE JOHN PAUL II

Mr. COLEMAN. Mr. President, I appreciate the opportunity to pay my respects to a simple, humble man who achieved historic greatness—Pope John Paul II. The Archbishop of Minneapolis-St. Paul, Harry Flynn, had a

quote the other day. I was home this weekend with my wife and was looking over remarks made about John Paul II. The Archbishop said this:

He will be known, I firmly believe, as John Paul the Great in the long history of the church. This will be because of his profound writings and for his unceasing focus on the dignity of each and every human being and the paramount value of human life. To my mind, his election to the pontificate was made possible by the providence of God and demonstrates God's love for his church.

I agree with my friend Archbishop Flynn that John Paul II will be known in history as John Paul the Great.

The human family is plagued by many artificial divisions. Once in a great while, a figure emerges whose ideas and example resonate across all boundaries and brings us together. John Paul II was such a person.

As a Jew, I feel a deep sense of personal loss because the person I looked to for leadership and who I deeply and profoundly respected has passed on. I have the image of John Paul II at the western wall in Jerusalem, the Wailing Wall it has been called, the last remains of the outer part of the second temple, perhaps one of the holiest spots in the Jewish faith. I believe, if my recollection of Jewish tradition is correct, as you walk along the western wall, about 100 yards inward is the place where Abraham was going to sacrifice his son and the covenant with God was formed. I remember John Paul there praying, inserting his prayer—one of the things you do at the western wall is oftentimes you take a prayer and put it in one of the crevices of the wall as you say a prayer.

His feeling was so deep and rich. I can see him there praying in front of the western wall, I believe asking for forgiveness for the church for the history of antisemitism.

I have heard the essence of leadership described in this way: A leader maintains order in the midst of change and change in the midst of order. That was John Paul's outstanding gift. He held strongly to eternal values while he was a force for dynamic and even revolutionary change. He played a decisive role in the liberation of Eastern Europe and the fall of the Soviet Union. He has passed on within a few months of the other central figure in that historic change, Ronald Reagan. But Pope John Paul II did not wield military power. He was a man whose strength came from moral force and a conscience governed by peace.

Remarkably, he was able to lead with equal impact in the vigorous early days of his papacy and in the weakness of his latter years.

There has been so much that has been written and said about this Pope in the last few days that I believe has captured the essence of this great man. There is a piece I saw in Larry Kudlow's column. I would like to read from it:

John Paul II reached across all religious lines, becoming the most evangelical pope in recent memory. He was tireless as he spread

his message of traditional religious faith and values to anyone who would listen—believers, nonbelievers, Catholics, Protestants, Muslims, Jews. This will surely be one of his most enduring legacies. You do not have to be Catholic to be grateful for the service John Paul II rendered to all mankind.

He did a tremendous service by the way he reached out to Israel and Jews around the world. His visits to Holocaust sites healed generations of misunderstanding and underscored the world's conviction that events such as this must never be allowed to happen again.

His constancy showed us how to live. His forgiveness showed us how to deal with evil. His generosity showed us our obligation to the less fortunate. His faith showed us that we all live for purposes far beyond ourselves.

I was the mayor of St. Paul, MN, so I am happy to quote St. Paul's words to sum up the Holy Father's life:

Love is patient, love is kind. It does not envy, it does not boast, it is not proud. It is not rude, it is not self-seeking, it is not easily angered, it keeps no record of wrongs. Love does not delight in evil but rejoices with the truth. It always protects, always trusts, always hopes, always perseveres. Love never fails.

John Paul II was an ambassador of love, and his love will continue to bless the world. I said to my wife the other day: How blessed we are to have lived in his time.

John Paul the Great is no longer physically with us, but he has touched all our souls in extraordinary ways. We thank God to have known him.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CORNYN). Without objection, it is so ordered.

#### HONORING POPE JOHN PAUL II

Mr. REID. Mr. President, a number of years ago, maybe 15 years ago, I had the opportunity to read a biography of Pope John Paul II. It was a big book given to me by a friend. I started reading it and I couldn't put it down. It read like a novel. He was a tremendously interesting, fascinating, wonderful human being I came to appreciate. I did not know much about the Pope, but after reading that book I tried to read everything I could about him.

The only personal situation I ever had involving the Pope was shortly after I read that book I traveled to Central America with a congressional delegation. This was during the time of the Iran contra conflict. One of the people we met was the Interior Minister of Nicaragua, a Communist. I met him. He was a pleasant man. He was a Catholic priest.

He talked about the fact he had been to Nevada. He was a relief priest. He would relieve priests in rural Nevada for their vacations. He talked about Battle Mountain where he had administered the last rites to a sheep herder. He was a very pleasant man. I learned later, however, about a story when the Pope had been through Nicaragua earlier. There was a long line of priests, as is traditional in the Catholic faith, that kiss the ring of the father, the Pope. When this man came by, the Pope withdrew his ring. He knew what this man had done in Nicaragua. He was a Communist, and he did not like what he had done, and he didn't kiss his ring; the Pope pulled it back.

Pope John was a man of conviction and very strong feelings. One of the strongest convictions he had was about communism. He knew what it had done to his country of birth.

He is exemplary of why the former Soviet Union could beat down religion in every country it oppressed except Poland. It couldn't do it. And Pope John was an example of how the Poles reacted to communism. They tried to shut the schools. The Catholic schools flourished during all the time of communism. They could not shut them down.

This weekend, the Catholic Church lost its spiritual leader and a spiritual leader of the world. Just because you are not of that faith does not take away from the spiritual power of this man. I acknowledge his spiritual power. In the book I read, I learned it was not unusual for Pope John Paul II to pray for 4 or 5 hours at a time. He was a man of great spirituality. Without any reservation, the world lost its spiritual leader and incredible role model. He displayed amazing strength, courage, and compassion throughout his life, his life of service to his fellow man.

As we know, he was born in Poland near Krakow. During his 84 years, he had enormous impact on the people and politics of his time. His lifetime and acts are full of lessons for all of us. But as so often is the case with life, you may not have guessed this from his early years. He was also a gifted athlete and extremely smart. He spoke fluently seven languages. His favorite sport was soccer. He, in his adult life, was an actor. He enjoyed acting. He wrote poetry. At the university he studied literature and philosophy and still found time to take part in the theater they had, becoming what many have called a gifted actor. That is what they called him at the time. For a while, his ambition was to be a professional actor.

Pope John did not become part of the priesthood as a teenager. He was in his midtwenties before he became a priest. In the early 1940s, his life led him to the priesthood and his ultimate calling. He was elected not long thereafter to be head of the Catholic Church in 1978. For 27 years he has changed lives and touched the world in countless

ways. Some say he was too conservative. Some say he was not progressive enough. But he made his mark wherever he went.

I will remember the Pope for the strength he showed throughout his life. It all started in reading the book about this great man. In the face of communism, he stood with the people of Eastern Europe and empowered them in their pursuit of freedom. In the face of hunger and despair, he challenged powerful nations, including our own to do more to reach out and lift up our struggling neighbors. In the rush to war, he sought peace always. At the end of his days when sickness had taken his physical strength, he still showed grace and courage in tending to his flock.

The last pictures we see of the Pope in some of our minds' eye, having gone through surgery, he was still standing in front of the throng that came to see him, and still doing his very best to speak. He couldn't speak. How frustrating that must have been.

There are many lessons we can draw from the life of Pope John Paul II. He traveled the globe more than any Pope in history. He was a skier in addition to being the Pope. He skied while he was the Pope.

He did not have to travel the world, but he did, realizing that he brought the spotlight of media and attention to the cause of many who otherwise would have been ignored.

He was shot by a would-be assassin. As soon as he was physically able, he went to the prison cell of the man who shot him and forgave him in the prison cell in a one-on-one meeting with his would-be assassin.

We now know as a result of that assassin's attempt they developed a new vehicle for him. In this age of terror, the Popemobile is something we all understand. He waved to people from this little bulletproof vehicle which he rode around in like a golf cart. It was not a limousine. It was the Popemobile.

He also reached out to leaders. He did not always agree with these leaders he reached out to, recognizing that problems are better solved by working together. In our own country, he reached out to former Presidents Carter, Reagan, Bush, and Clinton, and worked closely with our current President. He did not alienate or reject leaders who disagreed with him. He sought common ground in championing the causes of his fellow man.

But ultimately, I believe the life of Pope John Paul II is a reminder that one man or one woman can make a difference. It does not matter where we are born. It does not matter what we aspire to early in life. It can change for the better. It does not matter what paths we have wandered. We all have the ability to rise up and help our fellow man in immeasurable ways. There is no better example of that than Pope John Paul II.

As the world mourns the loss of the Pope, may we keep that lesson in mind,

and find inspiration in his life and the work he has accomplished.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### HONORING OUR ARMED FORCES

MASTER SERGEANT MICHAEL HIESTER

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young man from Bluffton. Master Sergeant Michael Hiester, 33 years old, was one of four Indiana National Guardsmen who died on March 26 when a land mine exploded under their military vehicle south of Kabul. With his life before him, Michael risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

A devoted father of two young children, Michael served as a part-time firefighter in his hometown of Bluffton, in addition to being a member of the Indiana National Guard. Like most things Michael set his mind to, he was successful in his military career. A full-time Guardsman since 1990, Michael was promoted to master sergeant 3 months ago. He had previously served his country in Bosnia-Herzegovina as part of the Indiana Guard's peacekeeping assignment. According to friends and family, Michael was also a real estate appraiser and an avid athlete who loved diving and cycling. Mayor Ted Ellis shared memories of Michael with the Associated Press, saying, that he "was just the kind of guy that every parent wants their child to be like—outgoing and hardworking and always thinking about something that they could do out there for the community." I stand here today to express gratitude for Michael's sacrifices and for those made by the entire Hiester family on behalf of our country.

Michael was killed while serving his country in Operation Enduring Freedom. He was a member of the Indiana National Guard's 76th Infantry Brigade. This brave young soldier leaves behind his wife Dawn, a 6-year-old daughter, Emily, and a 4-year-old son, Adam.

Today, I join Michael's family, his friends and the entire Bluffton community in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Michael, a memory that will burn brightly during these continuing days of conflict and grief.

Michael was known for his dedication to family and his love of country.

Today and always, Michael will be remembered by family members, friends and fellow Hoosiers as a true American hero and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Michael's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here." This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Michael's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Michael Hiester in the CONGRESSIONAL RECORD of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Michael's can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Michael.

ARMY SPECIALIST BRETT M. HERSHEY

Mr. President, I also wish to honor the life of a brave young man who grew up in Indianapolis. Army SPC Brett M. Hershey, 23 years old, was one of four Indiana National Guardsmen who died on March 26th when a land mine exploded under their military vehicle south of Kabul. With his entire life before him, Brett risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

A 2000 graduate of North Central High School in Indianapolis, Brett was just seven credits shy of graduating from Indiana University in Bloomington, when he left for Afghanistan. Friends and teachers recount that at North Central, Brett was a model student with an ever-present smile, who was involved in religious groups, varsity lacrosse and student government. Brett's older brother, Nate, recalled his brother's vibrant spirit when speaking to the Indianapolis Star saying, Brett "loved people very well, and he loved them because his first love was Jesus. He was funny, witty and passionate about just sucking the marrow out of life. He always wanted people to know they were loved."

Brett was killed while serving his country in Operation Enduring Freedom. He was a member of the Indiana National Guard's 76th Infantry Brigade. This brave young soldier leaves

behind his mother Roxanne; his father Roger; his sister Abby; his brother Nathan; and his sister Nicole.

Today, I join Brett's family and friends in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Brett, a memory that will burn brightly during these continuing days of conflict and grief.

Brett was known for his deep faith, his dedication to his family, and his love of country. Today and always, Brett will be remembered by family members, friends, and fellow Hoosiers as a true American hero, and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Brett's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here." This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Brett's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Brett M. Hershey in the CONGRESSIONAL RECORD of the United States Senate for his service to this country and for his profound commitment to freedom, democracy, and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Brett's can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Brett.

CAPTAIN MICHAEL T. FISCUS

Mr. President, I honor the life of a brave young man from Milford. Captain Michael "Todd" Fiscus, 36 years old, was one of four Indiana National Guardsmen who died on March 26 when a land mine exploded under their military vehicle south of Kabul. With his entire life before him, Todd risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

A devoted father of two daughters and a successful soldier, Todd joined the Indiana Air National Guard about 16 years ago before switching to the Army National Guard. In joining the Guard, Todd followed a family tradition of service, as his father, Captain Mike Fiscus, also serves in the Army Guard. Outside of his missions to Af-

ghanistan and Bosnia-Herzegovina, Todd flew charter planes. His wife Paula shared memories of Todd with the Indianapolis Star, recounting that "he wanted to be out there making a difference." A neighbor told a local television station, "As a neighbor and friend—he was a wonderful, wonderful man—great father and a great husband." I stand here today to express gratitude for Todd's sacrifices and for those made by the entire Fiscus family on behalf of our country.

Todd was killed while serving his country in Operation Enduring Freedom. He was a member of the Indiana National Guard's 76th Infantry Brigade. This brave soldier leaves behind his wife Paula and his two young daughters: Alexandra, 5, and Gabrielle, 4.

Today, I join Todd's family, his friends and the entire Milford community in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Todd, a memory that will burn brightly during these continuing days of conflict and grief.

Todd was known for his dedication to family and his love of country. Today and always, Todd will be remembered by family members, friends and fellow Hoosiers as a true American hero and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Todd's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here." This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Todd's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Michael "Todd" Fiscus in the CONGRESSIONAL RECORD of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Todd's can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Todd.

SPECIALIST NORMAN "KYLE" SNYDER

Mr. President, I also honor the life of a brave young man from Carlisle. Army

SPC Norman "Kyle" Snyder, 21 years old, was one of four Indiana National Guardsmen who died on March 26 when a land mine exploded under their military vehicle south of Kabul. With his entire life before him, Kyle risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

After graduating from Sullivan High School, Kyle joined the National Guard, a dream he had long held. A country music fan with many friends, Kyle had hoped to attend college in the coming fall. By joining the National Guard, Kyle became a part of a long-standing family tradition of service, as most of his male relatives also served in the military. His mother, Donna Shots, recalled her son's service to his country, saying "I am honored to know that my son served in the military, died honorably and I can hold my head up knowing he was proud and so am I to be an American." Today and always, Kyle will be remembered by family members, friends and fellow Hoosiers as a true American hero and we honor the sacrifice he made while dutifully serving his country.

Kyle was killed while serving his country in Operation Iraqi Freedom. He was a member of the Indiana National Guard's 76th Infantry Brigade. This brave young soldier leaves behind his mother Donna Shots; his father Jerry Snyder; his sister Shelli Snyder; his two half brothers, Derek Eugene Snyder and Craig Allen Snyder; and his grandparents, Azalia Barfield, Jane and Ron Moreland, Juanita Walters, and Norman and Susan Snyder.

Today, I join Kyle's family, his friends and the entire Carlisle community in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Kyle, a memory that will burn brightly during these continuing days of conflict and grief.

As I search for words to do justice in honoring Kyle's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here." This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Kyle's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Norman "Kyle" Snyder in the CONGRESSIONAL RECORD of the United States Senate for his service to this country and for his profound commitment to freedom, democracy and peace.

When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Kyle's can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Kyle.

FIRST LIEUTENANT EDWARD D. IWAN

Mr. NELSON of Nebraska. Mr. President, I rise today to honor First Lieutenant Edward D. Iwan of Albion, NE.

First Lieutenant Iwan was a man who led by example and his leadership deserves the utmost honor. He was raised on a farm near Albion, NE and was a 1994 graduate of Albion High School where he was active in Future Farmers of America and Student Council. First Lieutenant Iwan valued his church, family, and country; and following high school he served 3 years in the United States Army. He then returned to Nebraska and earned a Bachelor of Science degree in Criminal Justice. During college he remained active in the Armed Forces including the ROTC, National Guard and Army Reserve. In December of 2001, First Lieutenant Iwan returned full-time to the Army.

During his last tour of duty to our country this soldier was promoted from Second to First Lieutenant, served in several locations, and was deployed to Iraq in January of 2004 with the 2nd Battalion, 2nd Infantry Regiment, 1st Infantry Division. First Lieutenant Edward D. Iwan was killed in action on Friday, November 12, 2004 during sustained combat in Fallujah, Iraq. This brave soldier led by example to the very end, when even as his unit was under attack, he continued to guide his troops. He was killed when a rocket propelled grenade struck his Bradley Fighting Vehicle. His final heroic moments resulted in the posthumous awards of a Purple Heart and Bronze Star.

I offer my sincere thoughts and prayers to the family and friends of First Lieutenant Iwan. His service to our Nation will forever be appreciated. He was an outstanding American, Nebraskan, and soldier who embodied the bravery, spirit, grace and values of our grateful Nation.

MARINE LANCE CORPORAL SHANE E. KIELION

Mr. President, I rise today to also honor Marine LCpl Shane E. Kielion of La Vista, NE.

Lance Corporal Kielion, a young man with a bright future, heroically served our Nation. As a 1999 graduate of South High School he attended Peru State College and was employed before deciding to enter the United States Marine Corps in 2002. He wed his high school sweetheart, April, while being stationed in San Diego. Lance Corporal Kielion was assigned 3rd Battalion, 5th Marine Regiment, 1st Marine Division, 1 Marine Expeditionary Force, Marine Corps Base Camp in Pendleton, CA.

Lance Corporal Kielion died November 15, 2004, from injuries sustained from small arms fire as a result of enemy action. On that same day, Lance Corporal Kielion's son was born. Shane Jr. is a living remembrance of his father who was a brave and dedicated son, brother, friend, husband, and Marine.

I would like to extend my sympathy to all those who were blessed to know Lance Corporal Kielion and remind them that he will always be remembered as a brave and dedicated U.S. marine. Loyal and honorable are two appropriate descriptions of LCpl Shane Kielion who will forever remain in the hearts and minds of those he left behind including his wife and son.

SERGEANT NICHOLAS S. NOLTE

Mr. President, I rise today to honor Marine SGT Nicholas S. Nolte of Falls City, NE.

As a 1998 graduate of Falls City Sacred Heart, Nicholas S. Nolte demonstrated honor, dignity, and bravery in his decision to join the Marines after graduation. Sergeant Nolte was so dedicated to his service that he reenlisted after his original 4-year commitment and was assigned to the 2nd Low Altitude Air Defense Battalion, 2nd Marine Aircraft Wing, II Marine Expeditionary Force, Marine Corps Air Station, in Cherry Point, NC. He was also a member of the Presidential Helicopter Squadron HMX-1 where he honorably guarded and served President Clinton and President Bush.

On November 9, 2004 while serving in Iraq, Sergeant Nolte was injured as a result of enemy action when a roadside bomb hit his vehicle in Al Anbar Province, Iraq. He later died from his wounds on November 24th at the National Naval Medical Center in Bethesda, MD.

Sergeant Nolte left behind his wife Melina and daughter Alanna. He is survived by many family, friends, and countrymen who honor his bravery for serving our Nation and fighting for our freedom. I would like to express my heartfelt thoughts and prayers for Sergeant Nolte's family. Sergeant Nolte will be remembered as a Marine who fought and died for liberty and freedom for all Americans and Nebraskans.

#### TRIBUTE TO STAFF SERGEANT DONALD D. GRIFFITH, JR.

Mr. GRASSLEY. Mr. President, I rise today to remember a fallen soldier, SSG Donald D. Griffith, Jr., a member of B Troop, 2nd Squadron, 14th Cavalry Regiment, 25th Infantry Division, Fort Lewis, WA. Staff Sergeant Griffith died on March 11, 2005, in Tal Afar, Iraq, when his dismounted patrol was attacked by enemy forces using small arms fire. My heart goes out to his parents and family, who reside in Mechanicsville, IA, and his wife in Lakewood, WA.

Today, this Nation remembers and honors a man who sacrificed his life to defend his fellow soldiers and his coun-

try. With the death of Donald Griffith, this Nation lost a hero.

We know that there is no greater gift than the laying down of one's life for another. Staff Sergeant Griffith has given us that gift and we are forever grateful for his sacrifice. I ask that my colleagues join me reflecting on the memory of Donald D. Griffith, Jr. as we extend our thoughts and prayers to his family and friends.

#### TRIBUTE TO SENATOR HOWELL HEFLIN

Mr. LEVIN. Mr. President, it is with deep sadness that I learned this past week of the passing of a dear friend and former colleague, Senator Howell Heflin.

My thoughts and prayers today and those of my wife, Barbara, are with his loving wife, Elizabeth Ann "Mike", and his family.

Everyone thought of Howell as "Judge" Heflin, even as he served in the Senate, because he forever looked and acted the part of the "country judge". He came to the Senate, as I did, in the class of 1978. Howell was then already a distinguished jurist, having served 6 years as chief justice of the Alabama Supreme Court. He went on to build a solid reputation and to play an important role in the life of the Senate over the next 18 years.

Howell Heflin, a man of not only intellect, but warmth and good-humor, tackled some of the more thankless tasks in the Senate, including the arcane issues involving bankruptcy and administrative practice, and serving as the chairman of the Senate Ethics Committee in particularly turbulent times. He could always be counted on to approach difficult issues with careful thoughtful analysis, and to apply his balanced judgement objectively. For this reason, and others, Howell Heflin was respected on both sides of the aisle. In fact, he frequently served as a bridge between Democrats and Republicans in a way sorely needed in today's Senate. He was a true moderate, moderate in politics and by temperament. His demeanor, his objectivity, as well as his expertise, diligence and attention to the facts, have been missed and are among the very elements most needed now in this Chamber if we are to hope to remain the world's most deliberative body.

Senator Heflin served the people of Alabama, proudly. He served our nation with genuine dignity. And, today, as I look back on the life and career of Howell Heflin, I reflect on how proud I am of having had the opportunity to serve with this very special man, and to call him my friend.

#### LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate



crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

Last month, a 19-year-old gay man from New York was brutally murdered. The victim's dismembered limbs were found throughout Brooklyn, including inside a subway tunnel.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

Mr. LEVIN. Mr. President, I am pleased to join Senator LAUTENBERG in introducing the Terrorist Apprehension Record Retention Act. I cosponsored the Terrorist Apprehension Record Retention Act because I believe it is commonsense legislation which will strengthen our homeland security.

According to the Brady Handgun Violence Prevention Act, anyone seeking to purchase or obtain a permit to possess, acquire, or carry firearms must undergo a background check through the National Instant Criminal Background Check System, or NICS. This process requires the applicant to provide a variety of personal information including name, date of birth, current residence, and country of citizenship which is then compared with data in the NICS system to determine whether the person is prohibited by law from receiving or possessing firearms. Disqualifying criteria include felony convictions and fugitive or illegal alien status. If no disqualifying information is found within 3 business days, the transaction is allowed to continue.

As part of the background check, applicants are also checked against known terrorist watch lists. However, under current law, membership in a known terrorist organization does not automatically disqualify an applicant from receiving or possessing a firearm. In cases where a positive match is made, Federal authorities search for other disqualifying information. If no disqualifying information can be found within 3 business days, the transaction is permitted to continue. In addition, all records pertaining to a positive match of an applicant to a terrorist watch list must, under current law, be destroyed within 24 hours if no disqualifying information is found.

A report released by the General Accountability Office on March 8, 2005, found that from February 3, 2004, through June 30, 2004, a total of 44 firearm purchase attempts were made by individuals designated as known or suspected terrorists by the Federal Government. In 35 cases, the transactions were authorized to proceed because Federal authorities were unable to find any disqualifying information.

Federal Bureau of Investigation counterterrorism officials stated "receiving all available personal identifying information and other details from terrorism-related NICS transactions could be useful in conducting investigations." Currently, counterterrorism officials do not have access to the majority of these records because they are destroyed within 24 hours of the transaction in the absence of disqualifying information.

The Terrorist Apprehension Record Retention Act addresses this issue by requiring that in cases where an NICS background check turns up a valid match to a terrorist watch list, all records pertaining to the transaction be retained for 10 years. In addition, the bill requires that all NICS information be shared with appropriate Federal and State counterterrorism officials anytime an individual on a terrorist watch list attempts to buy a firearm. Learning about a suspected terrorist's purchase of a firearm could potentially be critical to counterterrorism investigators working to prevent a terrorist attack.

This bill takes a commonsense approach to assisting Federal authorities in monitoring and apprehending suspected terrorists without compromising the privacy rights of law-abiding citizens. I am hopeful that the Congress will take up and pass this legislation to give Federal and State counterterrorism officials the information they need to help keep our families and communities safe.

#### AFRO-COLOMBIANS AND THE LEADERSHIP OF THE CBC

Mr. OBAMA. Today I wish to commend Congressman BOBBY RUSH and other members of the Congressional Black Caucus for their work on behalf of Afro-Colombians. The consistent advocacy of the CBC on this human rights issue has been critical to increasing consciousness and activism in the U.S. and Colombia. Significant progress has made through this alliance, and I look forward to working with the CBC and other community groups on this issue.

Throughout Latin America, Afro-Latino communities remain marginalized—socially, economically and politically. In the case of Colombia, the violence and disruption of the country's 40-year civil conflict have disproportionately affected Afro-Colombians. Many are now refugees in their own country after being forced to leave their homes, and they face widespread racial discrimination as they try to rebuild their lives. Although Colombia's 1991 Constitution granted Afro-Colombians territorial rights to the land they historically held, these rights are now being increasingly violated, as this land is taken from them. With little or no economic and educational opportunities available, many Afro-Colombian youths have turned to coca cultivation or joined guerrilla forces.

With the rise of Afro-Colombian advocacy groups and NGOs in Colombia, I believe it is possible to foster meaningful partnerships and alliances for positive change in this region. In addition to the CBC, there are many members of the religious community—in my home State of Illinois and across our country—who are working on behalf of Afro-Colombians. I commend them on their dedication to this important cause. Together we can and will make a difference.

#### BUDGET ESTIMATE—S. 600

Mr. LUGAR. Mr. President, when the committee report (109-35) to accompany S. 600 was printed, the Congressional Budget Office's cost estimate was not yet available. I ask unanimous consent that it now be printed in the CONGRESSIONAL RECORD. Also, the same report contained a table with a clerical error. I ask unanimous consent that the corrected table be printed in today's RECORD as well.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Congressional Budget Office Cost Estimate for the Foreign Affairs Authorization Act, Fiscal Years 2006 and 2007

#### COST ESTIMATE

In accordance with rule XXVI, paragraph 11(a) of the Standing Rules of the Senate, the committee provides the following estimate of the cost of this legislation prepared by the Congressional Budget Office.

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, March 18, 2005.

Hon. RICHARD G. LUGAR, *Chairman,*  
*Committee on Foreign Relations, U.S. Senate,*  
Washington, DC.

DEAR MR. CHAIRMAN:

The Congressional Budget Office has prepared the enclosed cost estimate for S. 600, the Foreign Affairs Authorization Act, Fiscal Years 2006 and 2007.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Sunita D'Monte.

Sincerely,

DOUGLAS HOLTZ-EAKIN, *Director.*

Enclosure.

cc: Hon. Joseph R. Biden, Jr., *Ranking Minority Member*

#### CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 600—FOREIGN AFFAIRS AUTHORIZATION ACT,  
FISCAL YEARS 2006 AND 2007

*As reported by the Senate Committee on Foreign Relations on March 10, 2005*

#### SUMMARY

S. 600 would authorize appropriations of almost \$30 billion in 2006 and such sums as may be necessary in 2007 for the Department of State, international assistance programs, and related agencies. The bill also contains provisions that would raise the cost of discretionary programs for famine and reconstruction assistance, debt relief, public diplomacy, personnel, and other programs over the 2007-2010 period. CBO estimates that those provisions and the indefinite authorizations for 2007 would require appropriations of \$34 billion over those four years. CBO estimates that implementing the bill would cost about \$59 billion over the 2006-2010 period, assuming the appropriation of the necessary amounts.

CBO estimates that S. 600 would raise direct spending by \$33 million in 2006 and by \$87 million over the 2006–2015 period. S. 600 also would increase governmental receipts (*i.e.*, revenues) by an insignificant amount each year by creating new criminal penalties related to law enforcement and protective functions of State Department special agents and guards. Finally, the Joint Committee on

Taxation estimates that the bill would lower revenues by less than \$500,000 a year by exempting employees of the U.S. Mission to the United Nations in New York City from paying taxes on their housing allowance.

S. 600 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

#### ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of S. 600 is shown in Table 1. The costs of this legislation fall within budget functions 150 (international affairs), 300 (natural resources and environment), 600 (income security), 750 (administration of justice), and 800 (general government).

TABLE 1.—BUDGETARY IMPACT OF S. 600, THE FOREIGN AFFAIRS AUTHORIZATION ACT, FISCAL YEARS 2006 AND 2007

(By fiscal year, in millions of dollars)

	2005	2006	2007	2008	2009	2010
SPENDING SUBJECT TO APPROPRIATION						
Spending Under Current Law for State Department, International Assistance Programs, and Related Agencies:						
Estimated Authorization Level <sup>1,2</sup>	27,264	2,564	2,604	2,655	0	0
Estimated Outlays	26,805	14,288	7,906	5,492	3,389	1,416
Proposed Changes:						
Estimated Authorization Level <sup>3</sup>	0	29,872	30,748	1,035	1,133	1,226
Estimated Outlays	0	14,690	22,904	11,664	5,994	3,666
Spending Under S. 2144 for State Department, International Assistance Programs, and Related Agencies:						
Estimated Authorization Level <sup>2,3</sup>	27,264	32,436	33,352	3,690	1,133	1,226
Estimated Outlays	26,805	28,978	30,810	17,156	9,383	5,082
CHANGES IN DIRECT SPENDING AND REVENUES <sup>4</sup>						
Estimated Budget Authority	0	81	21	21	21	21
Estimated Outlays	0	33	14	11	11	11

<sup>1</sup> The 2005 level is the amount appropriated for that year.

<sup>2</sup> The estimated authorization levels over the 2006–2008 period are for international HIV/AIDS programs authorized by Public Law 108–25, the U.S. Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 for the Global HIV/AIDS Initiative and Child Survival and Disease and other programs. That act authorized the appropriation of \$15 billion for the 2004–2008 period for HIV/AIDS programs, including programs administered by the Department of Health and Human Services.

<sup>3</sup> These amounts do not include costs for section 213 of the bill because CBO cannot estimate the timing or amounts that may be necessary to implement those provisions.

<sup>4</sup> In addition to the effects shown for direct spending, CBO estimates that provisions that would increase or decrease revenues would have a net effect of less than \$500,000 each year over the 2006–2015 period.

#### BASIS OF ESTIMATE

The bill would authorize appropriations for the Department of State and international broadcasting activities for fiscal years 2006 and 2007. It would be the first comprehensive foreign assistance authorization act since the mid-1980s—authorizing funding for most existing assistance programs and also several new ones. The bill also would raise direct spending by \$33 million in 2006 and by \$87 million over the 2006–2015 period. Finally, S. 600 would affect governmental receipts (revenues), but CBO estimates that the net effect would be less than \$500,000 a year.

#### Spending Subject to Appropriation

S. 600 would authorize appropriations at the specified level of \$29.8 billion in 2006 and for such sums as may be necessary for 2007 for the State Department, international assistance programs, and related agencies. Of

the 2006 amount, nearly \$0.6 billion would be for HIV/AIDS programs that are currently authorized in existing law. The bill would authorize new programs that would affect costs for stabilization and reconstruction activities and assistance, safe water, debt relief, public diplomacy, personnel, and other programs. CBO estimates that implementing those provisions would require additional appropriations of \$0.7 billion in 2006 and \$4.4 billion over the 2007–2010 period. For this estimate, CBO assumes that the authorized amounts will be appropriated near the start of each fiscal year and that outlays will follow historical spending patterns for the existing and similar programs.

**Specified Authorizations.** The authorizations of appropriations in this bill cover the operating expenses and programs of the Department of State, the U.S. Agency for International Development, the Broadcasting

Board of Governors (BBG), the Peace Corps, and the Millennium Challenge Corporation. The authorization levels for 2006 are equal to the President's request for international affairs spending.

As shown in Table 2, S. 600 would authorize the appropriation of \$10.3 billion for international development and humanitarian assistance programs—not counting HIV/AIDS programs, \$8.3 billion for international security assistance programs, \$9.2 billion for the State Department for programs related to the administration of foreign affairs, international organizations, and other associated programs, \$1.2 billion for international broadcasting and exchange activities, and \$0.1 billion for international commissions. Except where otherwise discussed, CBO estimated authorizations for 2007 at the amount specified in 2006 adjusted for inflation.

TABLE 2.—ESTIMATED AUTHORIZATIONS IN S. 600, THE FOREIGN AFFAIRS AUTHORIZATION ACT, FISCAL YEARS 2006 AND 2007

	By fiscal year, in millions of dollars—				
	2006	2007	2008	2009	2010
Estimated Authorizations for Existing Programs <sup>1</sup>					
International Development and Humanitarian Assistance:					
Estimated Authorization Level <sup>2</sup>	10,344	10,518	0	0	0
Estimated Outlays	2,930	6,780	5,673	2,750	1,257
International Security Assistance:					
Estimated Authorization Level	8,348	8,491	0	0	0
Estimated Outlays	4,890	6,742	2,606	1,251	657
Conduct of Foreign Affairs:					
Estimated Authorization Level	9,237	9,436	0	0	0
Estimated Outlays	5,904	7,820	2,356	1,051	737
Foreign Information and Exchange Activities:					
Estimated Authorization Level	1,185	1,209	0	0	0
Estimated Outlays	810	1,129	357	67	23
Other Programs:					
Estimated Authorization Level	72	73	0	0	0
Estimated Outlays	59	67	12	6	1
Total Authorizations for Existing Programs:					
Estimated Authorization Level	29,186	29,727	0	0	0
Estimated Outlays	14,593	22,538	11,004	5,125	2,675
Estimated Authorizations for New or Expanded Programs					
Reconstruction & Stabilization Civilian Management Act of 2005:					
Estimated Authorization Level	124	127	128	131	134
Estimated Outlays	57	111	124	128	131
Famine and Reconstruction Assistance:					
Estimated Authorization Level	500	508	517	527	536
Estimated Outlays	25	180	328	409	466
Safe Water:					
Estimated Authorization Level	50	135	305	390	470
Estimated Outlays	4	31	91	195	292
Debt Relief for the Poorest:					
Estimated Authorization Level	0	155	75	75	75
Estimated Outlays	0	15	84	92	83
Office Building for American Institute in Taiwan:					
Estimated Authorization Level	0	78	0	0	0
Estimated Outlays	0	12	23	35	8
Personnel Benefits and Other Programs:					
Estimated Authorization Level	4	10	10	10	11

TABLE 2.—ESTIMATED AUTHORIZATIONS IN S. 600, THE FOREIGN AFFAIRS AUTHORIZATION ACT, FISCAL YEARS 2006 AND 2007—Continued

	By fiscal year, in millions of dollars—				
	2006	2007	2008	2009	2010
Estimated Outlays .....	3	9	10	10	11
Indefinite Authorizations for Currency Fluctuations:					
Estimated Authorization Level .....	8	8	0	0	0
Estimated Outlays .....	8	8	0	0	0
Total Estimated Authorizations:					
Estimated Authorization Level .....	686	1,021	1,035	1,133	1,226
Estimated Outlays .....	97	366	660	869	991
Total Authorizations:					
Estimated Authorization Level .....	29,872	30,748	1,035	1,133	1,226
Estimated Outlays .....	14,690	22,904	11,664	5,994	3,666

<sup>1</sup> The estimated authorization for 2007 is the 2006 authorization level adjusted for inflation.

<sup>2</sup> The estimated authorization for 2006 does not include \$1,970 million for the Global HIV/AIDS Initiative and \$594 million for HIV/AIDS programs in Child Survival and Disease and other programs that are authorized by Public Law 108–25, the U.S. Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003.

#### *Reconstruction and Stabilization Civilian Management Act of 2005*

Title VII of the bill would authorize the President to provide assistance to stabilize and rebuild a country or region that is in, or emerging from, conflict or civil strife. The bill would authorize assistance to respond to international crises through a new emergency fund and it would establish an Office of Reconstruction and Stabilization within the Department of State to provide civilian management of stabilization and reconstruction efforts. The bill would authorize the appropriation of \$24 million in 2006 and such sums as may be necessary in 2007 for personnel, education and training, equipment, and travel costs. It would authorize an initial appropriation of \$100 million for the emergency fund plus a permanent, indefinite authorization of such sums as may be necessary to replenish funds expended. In addition, it would authorize the President to waive the percentage and aggregate dollar limitations in current law regarding various authorities to draw down or to transfer resources to respond to such crises.

*Office of Reconstruction and Stabilization.* Section 706 would authorize a new office within the Department of State with responsibility to monitor and assess international crises, to prepare contingency plans for various types of crises, to identify and train personnel with necessary skills for stabilization and reconstruction operations, and to coordinate the U.S. efforts should the President decide to respond to any crisis. The Office of Reconstruction and Stabilization was created in August 2004.

The bill also would authorize the establishment of a response readiness corps with up to 250 members to staff the office and for deployment on short notice, plus a readiness reserve from current federal employees and up to 500 nonfederal personnel to support operations if needed. The costs of activating the corps would be paid from the emergency fund. Based on information from the State Department, CBO estimates that annual costs associated with the office and the response readiness corps would be \$24 million, adjusted annually for inflation.

*Emergency Fund.* Section 705 would authorize \$100 million for an emergency stabilization and reconstruction fund. Considering the number of regions in the world in conflict or recovering from conflict and that appropriations for the reconstruction of Iraq and Afghanistan have totaled nearly \$24 billion over the 2003–2005 period, reconstruction could require much larger funding levels than the amount authorized. CBO estimates that the emergency fund would be used for an initial response to an international crisis and not for major reconstruction efforts which are discussed below. For this estimate, CBO assumes that the fund would be replenished—through discretionary appropriations—on an annual basis at the \$100 million level, adjusted for inflation, and that it would be used for a mix of activities with an

aggregate spending pattern similar to the Economic Support Fund.

#### *Famine and Reconstruction Assistance*

Section 2205 would expand the purposes for which appropriations for international disaster assistance may be provided to include programs of famine relief and reconstruction following manmade or natural disasters abroad. The bill would authorize the appropriation of \$656 million in 2006 for international disaster and famine assistance, but not reconstruction. Reconstruction following manmade or natural disasters can be very expensive and has often been funded by supplemental appropriations.

This year the President is requesting supplemental appropriations of \$0.7 billion for tsunami relief and reconstruction and nearly \$2.0 billion for Afghanistan. Those amounts are in addition to \$100 million enacted for Central America and the Caribbean to recover after disastrous hurricanes last fall. While it is impossible to estimate future funding levels on an annual basis, CBO estimates that meeting the expanded purposes could require appropriations of several hundred million dollars to one billion dollars above the level specified by the bill for countries emerging from natural disasters, conflict, or civil strife. For this estimate, based on historical funding for similar activities, CBO assumes the costs for implementing this section would total about \$500 million each year over the 2006–2010 period, assuming the appropriation of the necessary funds. Spending of such funding would likely occur over a period of years so that annual outlays would start well below that level, and grow gradually.

#### *Safe Water*

Title XXVI would authorize the President to furnish assistance to improve the safety of water supplies in developing countries, to expand access to safe water and sanitation, and to promote sound water management. In addition to grant assistance to local governments and nongovernmental organizations, it would authorize the President to create a pilot program with the authority to issue investment insurance, investment guarantees, and loan guarantees; to provide direct investment or investment encouragement; and to carry out special projects and programs for eligible investors to assist in the development of safe drinking water and sanitation infrastructure. It would authorize the appropriation of such sums as may be necessary over the 2006–2011 period to carry out the title.

The bill would, to the extent provided for in advance in appropriation acts, authorize the President to create such legal mechanisms as may be necessary for implementing the authorities under the pilot program and to deem such legal mechanisms to be non-federal borrowers for purposes of the Federal Credit Reform Act. It would, notwithstanding any other provision of law, authorize the President to provide assistance under the pilot program in the form of partial loan

guarantees of up to 75 percent of the total amount of the loan.

It is unclear whether the pilot program would be entirely new or would be an augmentation of the existing credit programs of the U.S. Agency for International Development and Overseas Private Investment Corporation. It is also unclear whether this new program would create federal or nonfederal entities (legal mechanisms) or whether credit reform treatment would apply. However, it is clear that the bill would intend that resources devoted to providing safe water be increased. For the purpose of the estimate, CBO assumes the bill would double the assistance for safe water provided to Sub-Saharan Africa in 2004, or an increase in 2006 of \$50 million over the amounts otherwise authorized in the bill, and that amount would increase over the next five years to \$470 million, or the amount spent in 2004 for water programs including those in Iraq. Because the cost recovery of water investments projects would be in local currencies, CBO assumes that investments relying on hard-currency credits would remain unattractive and would be little used.

#### *Debt Relief for the Poorest*

Section 2214 would authorize the appropriation of \$100 million in 2006 for the cost, as defined by the Federal Credit Reform Act, of restructuring bilateral debts, for debt relief under the Tropical Forest Conservation Initiative, and for a contribution to the Heavily Indebted Poor Countries Trust Fund administered by the World Bank. In addition, section 2221 would authorize the President to reduce the U.S. bilateral debt of low-income countries as part of multilateral debt-relief agreements, commonly referred to as the Paris Club, limited to such extent or in such amounts as may be provided in advance in an appropriation act. That authorization is the same as the authorization contained in general provisions of annual appropriation acts for nearly a decade.

The U.S. government has forgiven the bilateral debt that it once held for most of the world's poorest countries; however, it still holds the debt of some of the world's poorest countries such as the Democratic Republic of the Congo, Afghanistan, Sudan, Somalia, and Liberia. Congo has been offered multilateral debt relief by the Paris Club. At some point after 2006, the other poor countries may meet the minimum requirements for multilateral debt relief as stipulated by the bill. We cannot project the exact timing of such action, but given the experience of other countries emerging from internal conflict, we estimate that it would take at least two to three years after a reconstituted civilian government is established in those countries before any multilateral debt agreement would be negotiated. While the bill does not specifically authorize the appropriation of any funds, CBO estimates that the present value of all debt of low-income countries held by the U.S. government to be between \$550 million and \$600 million. CBO estimates

that forgiving bilateral loans to Congo would cost about \$235 million in 2007, an increase of \$155 million over the amount authorized for 2006. CBO estimates that forgiving the bilateral loans to other poor countries would cost about \$75 million a year over the 2008-2010 period, assuming appropriation of the necessary amounts.

*Office Building for American Institute in Taiwan (AIT)*

Section 211 would amend current law to authorize such sums as may be necessary for the construction of a new office building for the AIT in Taipei, Taiwan. Public Law 106-212 authorized the appropriation of \$75 million for the facility without fiscal year limitation. According to the Department of State, the projected cost of the building is now \$153 million, and roughly \$20 million has been spent on site acquisition and design. CBO estimates a net increase in authorization of \$78 million and assumes that construction would begin in 2007 and end in 2010.

*Personnel Benefits*

S. 600 contains several provisions that would provide benefits to State Department personnel that would increase costs by up to \$10 million each year, assuming the appropriation of the necessary funds.

*Hardship and Danger Pay Allowances.* Section 303 would increase the cap on hardship allowances and danger pay allowances from 25 percent to 35 percent of basic pay for employees serving overseas. Based on information from the Department of State, CBO estimates implementing this section would cost about \$6 million a year, assuming the appropriation of the necessary funds.

*Educational Expenses of Dependent Children.* Section 301 would authorize payments for certain educational expenses of dependent children of Foreign Service employees posted overseas. Section 506 would allow the BBG to pay for the educational expenses of certain dependents of employees in the Commonwealth of the Northern Mariana Islands. Based on information from the Department of State and the BBG, CBO estimates implementing these provisions would cost about \$3 million annually.

*Housing for Employees.* Section 318 would allow the department to provide housing to 10 more employees of the U.S. Mission to the United Nations in New York City. Based on information from the State Department, CBO estimates the additional housing would cost between \$500,000 and \$1 million a year, assuming the availability of appropriated funds.

*Indefinite Authorizations for Currency Fluctuations*

Section 102(c) would authorize the appropriation of such sums as may be necessary in 2006 and 2007 to compensate for adverse fluctuations in exchange rates that might affect contributions to international organizations. Any funds appropriated for this purpose would be obligated and expended subject to certification by the Office of Management and Budget. CBO estimates that the dollar will decline roughly 2 percent in 2006 and that the Department of State would require an additional \$8 million that year to fully pay assessed contributions to international organizations. Currency fluctuations over the longer term are extremely difficult to project, and they could result in spending either higher or lower than the amounts specifically authorized in the bill for contributions to international organizations and programs. Therefore, this estimate assumes no additional currency fluctuations in 2007.

*Miscellaneous Provisions*

S. 600 would authorize several new or expanded programs. In general, the bill would fund these programs through earmarks of funds otherwise authorized or the provisions would have an insignificant impact on spending subject to appropriation, CBO estimates.

Section 213 would create a Victims of Crime Office within the Department of State and authorize the department to provide services and financial assistance from its emergency fund to U.S. nationals who become crime victims overseas. CBO cannot estimate the budgetary impact of this provision given the uncertainties associated with estimating how many individuals may be victimized and whether victims of terrorist acts would also be covered under this provision.

Title XXIII would authorize assistance to reduce the threat to diplomatic missions abroad from an attack using radioactive materials. In particular, it would authorize assistance to foreign countries to develop appropriate response plans and to train foreign personnel who would be the first to respond to such an attack. The bill would earmark \$2 million from the amount authorized elsewhere in the bill for Nonproliferation, Anti-Terrorism, Demining and Related (NADR) programs to fund these activities.

Title XXIV would authorize a program of global pathogen surveillance to assist in the monitoring and response to bioterrorism and outbreaks of infectious disease. The bill would earmark \$35 million from the amount authorized for NADR to fund these activities.

Title XXVIII would authorize a program for safeguarding and eliminating man-portable air-defense systems and other conventional arms. It would earmark \$20 million from amounts otherwise authorized in the bill.

Section 2224 would authorize the Secretary to designate a nonprofit organization as the Middle East Foundation and to fund the organization through grants. While the provision is silent on the level of funding, the President is requesting \$25 million for the foundation.

Section 2211 would authorize appropriations for educating children in Afghanistan about the dangers of land mines.

The bill includes numerous provisions that would expand or introduce new reporting requirements and other provisions that would eliminate or consolidate existing reporting requirements.

*Direct Spending and Revenues*

CBO estimates that S. 600 would raise direct spending by \$33 million in 2006 and by \$87 million over the 2006-2015 period (see Table 3). The bill also contains provisions that would increase and decrease governmental receipts (revenues), but CBO estimates that the net effect of these provisions would be less than \$500,000 a year.

TABLE 3. ESTIMATED DIRECT SPENDING AND REVENUES IN THE FOREIGN AFFAIRS AUTHORIZATION ACT, FISCAL YEARS 2006 AND 2007

[By fiscal year, in millions of dollars]

	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Changes in Outlays .....	0	33	14	11	11	11	3	1	1	1	1
Changes in Revenues .....	0	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)

Note: (\*) = less than \$500,000.

*Buying Power Maintenance Account*

The State Department may maintain an approved level of program activity in the face of currency fluctuations through a Buying Power Maintenance Account. Under current law, the Secretary of State may transfer any current funds in excess of needs that result from an increase in the purchasing power of the dollar from accounts under "Administration of Foreign Affairs" to the Buying Power Maintenance Account. The funds in the account are available for transfer back to those accounts only to offset future adverse fluctuations in exchange rates or overseas wage or price levels. The Secretary may also transfer unavailable balances into the Buying Power Maintenance Account, but only to the extent and in such amounts as specifically provided in advance in appropriation acts. No appropriation act has ever provided that authority. Section 207 of the bill would strike the requirement for appropriation action, thus allowing the Secretary to transfer lapsed funds into the Buying Power Maintenance Account and making them available to offset future adverse currency fluctuations.

According to the Treasury Combined Statement on Receipts, Outlays, and Balances, 2004, the Department of State had \$80 million in unobligated, unavailable balances in various accounts in the Administration of Foreign Affairs bureau at the start of 2005. Under the bill, such balances could be transferred into the Buying Power Maintenance account upon enactment and made available to meet adverse exchange rate fluctuations. In addition, CBO estimates approximately 0.5 percent of obligated balances, or about \$20 million, would be deobligated each year and reappropriated under the bill. Because we estimate the dollar will decline in value over the next year, we estimate that about half of the funds would be transferred out of the Buying Power Maintenance Account and spent. In total, we estimate direct spending of about \$80 million over the 2006-2015 period.

*Medical Reimbursements*

Section 206 would provide the State Department greater flexibility in retaining reimbursements for funding medical care provided to employees and eligible family members overseas. Based on information from the

department, CBO estimates that it would collect and spend between \$500,000 and \$1 million a year.

*Other Provisions*

CBO estimates that several provisions in the bill would affect direct spending and revenues by less than \$500,000 annually.

Section 318 would exempt, for federal income tax purposes, housing allowances paid to employees of the U.S. Mission to the United Nations in New York City. The Joint Committee on Taxation estimates that the provision would reduce tax receipts by less than \$500,000 each year, assuming it would be effective for allowances paid on or after October 1, 2005.

Sections 201 and 203 would raise governmental receipts (revenues) by establishing new criminal penalties that would be assessed against persons interfering with the law enforcement and protective functions of State Department special agents and guards. CBO estimates that the increase in revenues would not be significant in any year. Collections of criminal fines are deposited in the Crime Victims Fund and are later spent. CBO estimates that the criminal penalties

that would be established under the bill would increase direct spending from the Crime Victims Fund by less than \$500,000 per year.

Section 205 would allow the State Department's International Litigation Fund to retain awards of costs and attorneys' fees as a result of a decision by an international tribunal. Based on information from the department, CBO estimates that the Department of State would collect and spend less than \$500,000 a year.

Section 214 would authorize the Secretary to provide museum visitor and educational outreach services and to sell, trade, or transfer documents and articles that are displayed at the United States Diplomacy Center. Any proceeds generated from these services or sales would be retained and spent by the center, and CBO estimates that this provision would have an insignificant net effect on direct spending.

Several sections in title III of the bill would amend retirement benefits for State Department personnel by slightly broadening the authority of the department to temporarily rehire Foreign Service retirees without terminating their pension benefits; changing personnel review and termination procedures for each Foreign Service class; establishing a 60-day deadline for the Office of Personnel Management to issue regulations in accordance with a previously enacted change in pension benefits for certain spouses of Foreign Service workers; and allowing employees of Office of Coordination for Reconstruction and Stabilization to continue collecting full retirement annuities provided by the Foreign Service retirement system. Under current law, Foreign Service retirement benefits are temporarily suspended during any period of reemployment by the federal government. CBO estimates that enacting the provisions would increase direct spending by less than \$500,000 annually over the 2005-2015 period.

Section 2207 would authorize the President to waive the requirement that a foreign government pay to the United States the net proceeds from the sale of any military equipment it has received from the United States on a grant basis. CBO estimates the forgone offsetting receipts would not be significant.

#### INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT

S. 600 contains no intergovernmental or private-sector mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

#### Estimate Prepared By:

Federal Costs—State Department: Sunita D'Monte; Foreign Aid: Joseph C. Whitehill; Foreign Service Retirement: Geoffrey Gerhardt; Law Enforcement: Mark Grabowicz; Revenue Effects: Annabelle Bartsch.

Impact on State, Local, and Tribal Governments: Melissa Merrell.

Impact on the Private Sector: Paige Piper/Bach.

#### Estimate Approved By:

Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

#### DIVISION B—FOREIGN ASSISTANCE AUTHORIZATION ACT, FISCAL YEAR 2006

##### (A) SUMMARY OF FUNDS

(In millions of dollars)

	FY 2005 estimate	FY 2006 request	Com- mittee mark
Child Survival & Health Programs			
Fund (CSH) .....	1,538	1,252	1,252
Global Fund to Fight AIDS, Tuberculosis, and Malaria <sup>1</sup> .....	(248)	(100)	(100)
Development Assistance (DA) .....	1,448	1,103	1,103
International Disaster and Famine Assistance .....	485	656	656

(In millions of dollars)

	FY 2005 estimate	FY 2006 request	Com- mittee mark
Transition Initiatives .....	49	325	325
Development Credit Authority (DCA) ....	8	8	8
USAID Operating Expenses (OE) .....	613	681	681
USAID Capital Investment Fund .....	59	78	78
USAID Inspector General Operating Expenses (IG) .....	35	36	36
Economic Support Fund (ESF) .....	2,481	3,036	3,036
Assistance for Eastern Europe and the Baltic States (SEED) .....	393	382	382
Assistance for the Independent States of the Former Soviet Union (FSA) ....	556	482	482
Peace Corps .....	317	345	345
Inter-American Foundation .....	18	18	18
African Development Foundation .....	19	19	19
Millennium Challenge Corporation .....	1,488	3,000	3,000
International Narcotics Control and Law Enforcement (INCLE) .....	326	524	524
Andean Counterdrug Initiative (ACI) ....	725	735	735
Nonproliferation, Anti-Terrorism, Demining (NADR) .....	399	440	440
Treasury Technical Assistance .....	19	20	20
Debt Relief .....	99	100	100
International Military Education & Training (IMET) .....	89	87	
Foreign Military Financing (FMF) .....	4,745	4,589	4,589
Peacekeeping Operations (PKO) .....	178	196	196
International Organizations & Programs (IO&P) .....	326	282	282
<b>Total .....</b>	<b>16,413</b>	<b>18,394</b>	<b>18,394</b>

<sup>1</sup> The administration requested \$3.16 billion for international HIV/AIDS, tuberculosis, and malaria programs in FY2006, a 9 percent increase over the estimated amount to be provided in FY2005. The request included \$2.564 billion to be appropriated through the Foreign Operations appropriations and \$596 million through appropriations for the Departments of Labor and Health and Human Services.

This bill authorizes part of this request through the Child Survival and Health (CSH) account which includes the President's request of \$439 million for HIV/AIDS, tuberculosis, and malaria programs. The authorized amount for the CSH account also includes \$100 million for the Global Fund to Fight AIDS, Tuberculosis, and Malaria. (The President requested \$300 million to be appropriated for contributions to the Global Fund; the other \$200 million is divided between the Global HIV/AIDS Initiative (\$100 million) and NIH/HHS (\$100 million).) The GHAI account, for which the President requested \$1.87 billion, is not authorized in this bill because it is already authorized in the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (P.L. 108-25).

#### THE BUDGET

Mr. JEFFORDS. Mr. President, a Federal budget is about setting priorities, and the priorities contained in this budget are all wrong.

About a year ago, Tom Friedman of the New York Times, described the President's budget as "faith-based." Faith-based tax cuts were going to generate faith-based revenues, and we were all going to be better off. Well, the deficit is skyrocketing, interest rates are going up, and additional revenues haven't magically appeared.

If the budget before us were to pass unchanged, the deficit would increase each and every year for the foreseeable future. Vermonters understand that this is a burden we don't want to pass on to our grandchildren. We have fallen into a borrowing pattern that makes this Yankee cringe.

But let me emphasize that the deficits that we are now facing are primarily caused by a drop in revenues, not by wasteful spending on such things as education, veterans' benefits, and Amtrak. We could eliminate all of the Federal Government's discretionary spending outside of defense and we would still have a deficit.

On the mandatory side of the budget, I agree that we need to get a handle on increases in Medicaid spending and the pressures on Social Security due to the aging baby boom generation. But this budget fails to confront these challenges and in the case of Social Security pretends there is no problem.

How can we pass a budget that ignores the cost of the Iraq War after September 30? How can we pass a budget that includes more tax cuts for the few, but doesn't budget for the reform of the alternative minimum tax or the President's own Social Security proposal?

How can we pass a budget that forces us to "pay for" any increases in programs for our neediest citizens but doesn't require us to "pay for" tax cuts for the well-to-do? If we are to reinstate the pay-as-you-go rule, then it should, as it always has, include paying for both new spending and new tax cuts.

Speaking of tax cuts, I have grown very tired of the economic doublespeak now in fashion. If tax cuts were the policy of choice when we had large surpluses, and they are still the policy of choice when we now have large deficits, when if ever are tax cuts not the appropriate policy? Perhaps the families in Vermont who used up their heating assistance funds before winter was over, or the veteran on a waiting list for a medical procedure at a VA hospital, would prefer an increase in government spending to a tax cut.

Priorities, it is all about priorities.

We are 2 years into a war. American service men and women continue to come home with horrific wounds, both physical and mental. While the Department of Defense is keeping wounded soldiers in its medical system for longer periods of time and is shouldering a greater share of the costs, the long-term costs of health care and rehabilitation still fall heaviest on the Veterans Administration.

This budget responds by underfunding the VA by almost \$16 billion over the next 5 years. How can we do this in the midst of a war? How can the President in good conscience insist on maintaining large numbers of troops in Iraq, and yet refuse to provide for the health care needs of veterans? This is unacceptable.

This budget drastically cuts the Community Development Block Grant, CDBG, program and other programs that our communities rely on. These programs now benefit so many Vermonters who struggle to make ends meet. This budget would consolidate 18 programs, including the CDBG, and slashes their funding by 34 percent. In Vermont, this budget would most harshly affect middle and low-income citizens by making safe and affordable housing unattainable, ending quality childcare programs, and compromising nutrition assistance. Funding for these important economic development programs must be restored.

I am very concerned that agriculture, conservation, and food assistance programs are faced with drastic cuts in funding. The Milk Income Loss Contract Program, MILC, which the President saw fit to include in his proposed budget, has been left out of this budget resolution. The MILC Program is necessary to help family farmers through tough times when milk prices are low.

This budget would also seriously compromise conservation programs that are used to restore our land and clean our water. Perhaps most unsettling will be the cuts to food assistance and nutrition programs, including food stamps. In Vermont, 30 percent of children live in low-income households that depend on food stamps for their basic needs and the medical safety net for their healthcare.

Vermont, together with States throughout the Nation, is facing a serious budget shortfall in providing the most basic level of healthcare to our most vulnerable citizens. Instead of facing that fact and providing temporary fiscal assistance to the States, the President called for billions of dollars in cuts in the Medicaid program, which the Senate fortunately rejected.

I am most disappointed that the Senate did not vote to provide additional funding for the Nation's water infrastructure. Spending on environmental programs from the national parks to programs that keep our water, land, and air clean will have to be reduced if this budget is enacted.

Priorities, it is all about priorities.

Even though education amendments passed, which I supported, that added money back to the Senate budget proposal, that is still insufficient to adequately fund important Federal education initiatives. I remain concerned that the budget resolution will eliminate funding for several key education programs, such as the \$1.3 billion Perkins Career and Technical Education Act. This is especially depressing since just last week the Senate, on a vote of 99-0, passed the Perkins bill. Then just a few days later, no funding is provided in the budget to carry out the program that was just passed.

In addition, the budget proposal does not provide the meaningful increases necessary to carry out the 4-year-old No Child Left Behind Act and the updated IDEA law that was enacted last December.

President Bush often mentions that education is a priority. He and I obviously define priority differently. To me, priority means you pay for the promises you make. I do not believe priority means you sign laws requiring more accountability to improve student performance, and then, in the next breath, send up a budget that doesn't provide the dollars needed to carry out the purposes of those laws.

I have spent a substantial part of my career calling for the full funding of special education. When the Individuals with Disabilities Education Act was enacted in 1975, Congress promised to pay 40 percent of the cost. In the current fiscal year, Congress will finance only 19 percent of the program, forcing States and localities to make up the difference.

I have tried to fulfill this promise in each of the last few years by making IDEA funding mandatory. The President and his allies have said that mandatory funding is not necessary, that

we can meet the promise of IDEA by increasing funding by \$1 billion each year. In this budget, IDEA funding is increased by only half of that amount.

This budget tells our children, their parents, and our local taxpayers that they are not a priority, and that we will not keep our word.

There is no question we are living through difficult budgetary times and savings must be sought at every opportunity. But we must not delude the American people into thinking that we can cut taxes, fight wars overseas, improve education, take care of our environment, and repair the Nation's transportation and water infrastructure all at the same time.

I could not support the budget resolution because it did not adequately fund important domestic programs and promote tax cuts to the detriment of other priorities. At the same time, it did little to put our Nation's fiscal house in order.

#### TRIBUTE TO AMERICA'S HEROES OF THE STORM

Mr. ISAKSON. Mr. President, throughout the week of April 10, 2005, The Weather Channel, based in Atlanta, GA, will air a special series, entitled *Heroes of the Storm*, honoring the Americans who performed the most exciting rescues depicted in the network's acclaimed series *Storm Stories*. Featured in the tribute will be 28 heroes from 15 States and the District of Columbia. These heroes, like all who risk their lives for others, deserve our Nation's admiration, recognition and thanks. I ask unanimous consent that the following list of heroes be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Mary Teresa Bagshaw, Nurse, Crawford, Colorado.

Richard Lee Fowler, Pilot, Longmont, Colorado.

Dawud Amin, Firefighter, New Haven, Connecticut.

Capt. Howard McCann, Firefighter, Madison, Connecticut.

Brian Wetzler, US Coast Guard Pilot, Washington, District of Columbia

Bradley Paul Brown, Paramedic (Retired), Mt. Dora, Florida.

Alan Auricchio, US Coast Guard, Penbroke, Maine.

Bart Cohey, Firefighter, Cordova, Maryland.

Melvin Lee Johnson, US Naval Reserves, Baltimore, Maryland.

Robert Sebeck, Firefighter, Abingdon, Maryland.

Petersen Niles Decker, US Naval Reserves, Grosse Pointe, Michigan.

Orlin Anderson, Firefighter, Karlstad, Minnesota.

Gary Wayne Casper, Las Vegas PD, Las Vegas, Nevada.

Clint Malburg, Las Vegas PD, Las Vegas, Nevada.

James T. Mitchell, Las Vegas PD, North Las Vegas, Nevada.

Richard G. Servoss, Las Vegas PD, Las Vegas, Nevada.

George Marinkov, US Coast Guard, Linwood, New Jersey.

Warren Scott Adams, US Coast Guard, Elizabeth City, North Carolina.

Lt Cmdr Joseph Edward Deer III, US Coast Guard, Camden, North Carolina.

Jeffrey D. Kotson, US Coast Guard, Elizabeth City, North Carolina.

Peter O'Neill, Deputy Fire Chief, Grand Forks, North Dakota.

William Bloom, Volunteer Ski Patrol (Retired), Sprague River, Oregon.

Randy Benham, Park Ranger, Grants Pass, Oregon.

Jim Allday, EMS, Austin, Texas.

Thomas Stephan Lott, Jr., Firefighter, Round Rock, Texas.

Trevor Joseph Stokes, Firefighter, Georgetown, Texas.

Tim Wallace, Firefighter, Round Rock, Texas.

Philip Joseph Ornot, Jr., US Coast Guard, Virginia Beach, Virginia.

#### ADDITIONAL STATEMENTS

##### RETIREMENT OF CAROL DIBATTISTE

• Mr. DOMENICI. Mr. President, I would like to extend my best wishes to Carol DiBattiste, whose last day as deputy administrator of the Transportation Security Administration was April 8, 2005. Carol DiBattiste is truly a living textbook version of a "public servant." Her record is one of service to country, of a strong leader who gives unstintingly of herself to make sure that America's defenses against terrorism are as strong as possible. I know that Carol's dedication to this mission and strong leadership will be sorely missed by her colleagues at TSA and the Department of Homeland Security.

Ms. DiBattiste arrived at TSA in March of 2003 after more than 33 years of public service and two years at a private law firm. As the new Chief of Staff at TSA, she brought with her a sense of urgency that fit well in an agency committed to the security of the Nation's transportation system. Ms. DiBattiste immediately put her unique experience and skills to work as a member of the TSA leadership team as it rushed to meet its mission.

Hard work has characterized Ms. DiBattiste's public career. She enlisted in the Air Force in 1971, earned her B.A. degree magna cum laude in sociology/criminal justice from LaSalle University in 1976, her J.D. degree from Temple University School of Law in 1981, and her Master of Laws degree from Columbia University School of Law in 1986.

Before retiring from the Air Force as a major in 1991, her assignments included serving as chief prosecutor for the Pacific Region, faculty of the Air Force Judge Advocate General School, and chief recruiting attorney for the Air Force. Going forward, Ms. DiBattiste's career took her to the Department of Justice where she was an Assistant United States Attorney for the Southern District of Florida and director of the Department's Office of Legal Education. In 1993, Ms.



DiBattiste served with the Department of the Navy, where she was principal deputy general counsel, the service's second-highest ranking lawyer. In that role, she was responsible for resolving several high-profile matters, including the sexual harassment scandal dubbed "Tailhook" and the U.S. Naval Academy cheating case.

In 1994, Ms. DiBattiste returned to the Department of Justice as the director of the Executive Office for United States Attorneys. In that capacity, she was instrumental in investigating the Oklahoma City Bombing, Unabomber, Olympic Park Bombing and TWA 800 airliner crash. Between 1997 and 1999, she served with distinction as Deputy United States Attorney for the Southern District of Florida. In 1999, Ms. DiBattiste accepted the nomination of former President Clinton and served as Under Secretary of the Air Force where, among other duties, she chaired a task force that brokered an anti-harassment action plan for the Department of Defense. Prior to joining TSA, Ms. DiBattiste was a partner at Holland & Knight LLP, where her practice areas involved corporate diversity counseling, government relations, and criminal and civil litigation.

Last July, TSA Chief of Staff DiBattiste became Deputy Administrator DiBattiste, a move that again recognized her many talents and leadership abilities. Deputy Administrator DiBattiste and Administrator David Stone have spearheaded the efforts to make TSA a strong and mature performance based Federal agency. But even more importantly, Ms. DiBattiste made it her mission at TSA to continuously recruit new leaders and make sure that every TSA employee—from the screeners to the executive team—understood their role in securing our Nation. Finally, Carol made sure that each of those employees understood that: they were valued, their opinions mattered, and that what they were doing was important, even vital to achieving TSA's mission. For that, we all owe Deputy Administrator DiBattiste a great deal of gratitude.

It is instructive to read what some of her friends and colleagues at TSA have to say about Ms. DiBattiste. From Tom Blank, the Chief Support Systems Officer: "Many times the sky was actually falling and when it was, Carol was in charge of getting it put back up there again—all the while with the greatest sense of humor there is." From Theresa Bertucci, Assistant Administrator for Intermodal Programs: "She always pushed the entire organization towards a level of excellence and commitment, and never asked more of any person that worked alongside her than she asked of herself." And addressing Ms. DiBattiste, Tammy M. Meckley, Deputy Assistant Administrator for Transportation Security Policy, said: "Leadership is what every employee craves, thanks for keeping all of us well fed."

In an interview with TSA's newsletter, the Sentinel, Ms. DiBattiste

said of the agency's efforts, "Without question, America is safer since the stand-up of TSA, and TSA has done an excellent job of protecting the homeland. . . ." Then typically, she added that "there is a lot more to do."

Mr. President, I realize we have much to accomplish here in the United States Senate, but I felt it was important that we thank this great American. I wish to congratulate Deputy Administrator Carol DiBattiste on a distinguished and selfless career; and in closing, offer the thought that the nation would be well-served if sometime in the future she once again rejoined the ranks of public servant.●

#### HONORABLE PETER B. TEETS

● Mr. SESSIONS. Mr. President I rise today to honor a distinguished American and patriot the Honorable Peter B. Teets, former Acting Secretary of the Air Force and Under Secretary of the Air Force.

Secretary Teets left government service on March 25, 2005 to join his family in Colorado. He did so after four years of selfless devotion to his country serving in what I would characterize as four of the most important jobs within the Department of Defense—as the senior official in the Department of the Air Force responsible for nearly 700,000 military, civilians, and family members with budget authority exceeding \$110 billion dollars. Simultaneously, Mr. Teets also served as the Department of Defense Executive Agent for Space and as the Director of the National Reconnaissance Office. In this later special capacity he was responsible for the acquisition and operation of all space-based reconnaissance and intelligence systems. I think you would agree Mr. President, Pete Teets was an extraordinary public servant possessing uncompromising standards, superior managerial skills and a keen analytical mind wherein he was able to exact the most from the military service he represented and the programs he supervised. His quest for perfection across the board will long be remembered both within and outside the Department.

Prior to joining the Department of Defense, Pete Teets worked in industry for nearly four decades serving first as a Martin Marett flight control engineer and ending that service as the President and Chief Operating Officer, Lockheed Martin Corporation. His resume is replete with ever increasing positions of responsibility spanning the period 1963 to 2001, when he was nominated to serve President Bush as our Under Secretary of the Air Force and Director of the National Reconnaissance Office, two demanding tasks particularly during this time of transformation within the Department of Defense, coupled with the challenges associated with emerging space requirements and system development.

Throughout his tenure, the members of the Senate Armed Services Com-

mittee have found Pete Teets to be one of the most thoughtful and insightful DOD officials we have come to know. His ability to reduce complex system assessments into meaningful constructs were, on more than one occasion, immensely helpful to every committee member. His private counsel and immense personal interaction were directly responsible for solving major program problems for which our country is most grateful.

Our Nation deserves no less than the full measure of devotion from the men and women it nominates to our highest positions of authority. Peter Teets fulfilled every expectation the Congress and the nation placed upon him. He did so with a combination of grace and dignity, superb organizational and managerial skill, and with that rare coupling of professionalism and confidence that his Air Force and our Department of Defense would not accept anything short of excellence in accomplishing every assigned mission and task.

I truly hope this is not the last time the nation will call upon Peter Teets and his family to serve this grateful Nation. Indeed, Pete has earned the right to return home and focus on the one thing all of us yearn to do—spend time and focus on family. His many friends in the Senate wish him and his family all the best in the days ahead. We bid Pete a fond farewell and heartfelt thanks for a magnificent job as our Acting Air Force Secretary and as our Under Secretary of the Air Force. We are a better people and stronger Nation today because Pete Teets gave and accomplished so much. We will indeed miss America's "Mr. Military Space" and wish him God's everlasting blessings.●

#### HONORING CAMERON TROOST

● Mr. BAYH. Mr. President, I rise today to recognize the courage and sacrifice of Cameron S. Troost, a 10-year-old boy from South Bend, IN. Cameron suffers from pediatric bipolar disorder, a devastating but treatable brain disorder marked by severe fluctuations in mood, activity, thought, and behavior. In an effort to contribute to the search for a cure, Cameron volunteered to participate in a four-month long rigorous clinical study at the National Institutes of Mental Health in Bethesda, Maryland.

Though the exact prevalence is not known, the Child & Adolescent Bipolar Foundation estimates that at least three quarters of a million American children and teenagers currently suffer from bipolar disorder, many of whom are undiagnosed. Bipolar disorder is thought to affect 1-2 percent of adults worldwide. Fifty-nine percent of adults with bipolar disorder report that their symptoms first appeared during or before adolescence. The disorder is often inherited, and symptoms can emerge at any time in life.

Bipolar disorder has a significant impact on our society. Children with the

condition are at higher risk for school failure, substance abuse, and suicide. The terrible human and social costs highlight the importance of discovering better treatments, and ultimately a cure, for bipolar disorder. Few controlled studies have been done on the use of psychiatric medications in children. Cameron, however, is bravely doing his part to increase our knowledge of this disease. Cameron volunteered to leave home for several months to participate in a study that required that he be locked in an 8-bed unit, submit to blood tests, brain scans, and other tests, go off all medication, and receive lithium or placebo, possibly risking his own well-being in the process. He consented to being forced into seclusion or medicated if his rages could not be controlled. All the while, Cameron kept up with a home school curriculum.

Cameron's decision to travel far from home to participate in a difficult clinical trial—one that potentially puts himself at risk for the benefit of others—will contribute to our understanding of pediatric bipolar disorder and how to treat it. His self-sacrifice will live on in the form of better treatment options for the many other children who, like him, must live with this condition. For that, Cameron deserves our most sincere recognition.●

#### TRIBUTE TO WILLIAM "BILL" DAVID SMITH

● Mr. SHELBY. Mr. President, today I pay tribute and honor a dear friend of mine who passed away recently. Bill David Smith, whom I have called a friend and relied on for half a century, passed away at the age of 72. He is survived by his beloved wife, Jane Bandy Smith, and two sons, David and Stuart. Bill David was passionate about all things in which he was involved, loved his community of Tuscaloosa, and was very proud to be an Alabamian.

We became friends during our time at the University of Alabama, and I have always appreciated his counsel and support over the years. My wife, Annette, and I have shared many memories with Bill David and his wife, Jane, which we will cherish for years to come.

Bill David was born in Meridian, MS, and spent most of his youth in Gadsden, AL. A University of Alabama graduate, he was an honor student and received both a bachelor's and master's degree in accounting. After graduation, he was a founding partner in the accounting firm, Morrison and Smith LLP. Bill David was actively involved in activities surrounding the accounting profession and served as President of the Alabama Society of Certified Public Accountants and Chairman of its State Legislation Committee. He was also a member of the Council of the American Institute of Certified Public Accountants.

Bill David was a member of the board of directors for the Alabama Trust

Fund and the Business Council of Alabama. Dedicated to a number of civic organizations, he served on the Tuscaloosa County Juvenile Advisory Board and the Alabama Juvenile Justice Coordinating Council.

Beyond Bill David's devotion to his work and his community, he was a dedicated friend to many. A good natured person with a huge heart, Bill David often showed compassion for those less fortunate. His quick wit and intellect fostered his passion for policy issues and politics. He cared very deeply for his community and its people.

But most of all, my thoughts and prayers go out to Jane and their two sons. Bill David was a dedicated family man and his presence will be missed by those who knew him best. Indeed, we will all miss him.●

#### WE THE PEOPLE: THE CITIZEN AND THE CONSTITUTION

● Mr. LEVIN. Mr. President, from April 30 through May 2, 2005, more than 1,200 students from across the United States will visit Washington, D.C. to take part in the national finals of "We the People: The Citizen and the Constitution," the most extensive educational program in the country developed specifically to educate young people about the U.S. Constitution and Bill of Rights. Administered by the Center for Civic Education, the We the People program is funded by the U.S. Department of Education by act of Congress.

I am proud to report that a class from East Grand Rapids High School from Grand Rapids will represent the State of Michigan in this prestigious national event. These outstanding students, through their knowledge of the U.S. Constitution, won their statewide competition and earned the chance to come to our Nation's capital and compete at the national level.

While in Washington, the students will participate in a 3-day academic competition that simulates a congressional hearing in which they "testify" before a panel of judges. Students demonstrate their knowledge and understanding of constitutional principles and have opportunities to evaluate, adopt, and defend positions on relevant historical and contemporary issues. It is important to note that the Educational Testing Service, ETS, characterizes the We the People program as a "great instructional success." Independent studies by ETS have revealed that We the People students "significantly outperformed comparison students on every topic of the tests taken."

I congratulate East Grand Rapids students John Abraham, Ted Bosch, Ross Brenneman, Katherine Fasse, Bill Frayer, Kyle Fuller, Joe Gallmeyer, Will Gallmeyer, Katherine Harger, Jimmy Hogan, Christina Kim, Peter Meyer, Lenard Robert, Sarah Stevens, Tully Svekrick, Alyssa Titcher, Gab Tourek, Dimitri Wohms and their teacher, Pierre A. Sirois.

I wish these students the best of luck at the We the People national finals and applaud their outstanding achievement.●

#### RECOGNIZING ROSEMARY FAY

● Mr. BAYH. Mr. President, today I congratulate an extraordinary young woman, Rosemary Fay, aged 11. Rosemary, a sixth grader at St. Thomas Aquinas School in Indianapolis, was the winner for her age group of the USA Today National Sportsmanship Essay Contest. The essay contest was a part of the 15th National Sportsmanship Day, sponsored by the Institute for International Sport, to raise awareness about fair play, sportsmanship and ethics in athletics and society.

Nearly one thousand students submitted essays addressing sportsmanship and ethics or offering a personal reflection on good or poor sportsmanship. Students were asked to respond to the question, "Do you dare to play fair?" A panel of judges chose the four winners, including Rosemary, who was the winning writer among middle school entrants.

In her touching reflection on the importance of sportsmanship, Rosemary gives her own definition of what it means to be a good sport. She writes, "Good sports are confident, competitive and capable, but most of all, they treat other people with respect and dignity. Their attitudes and actions show they have a higher purpose in life than just winning today's game. Even when they lose, they act like winners." In this day of bitter disputes, when what is truly important is often overshadowed by a more immediate conflict, Rosemary's essay shows us how to step back, remember the bigger picture and be a good sport.

Rosemary also writes about the influence of good sports in her life, paying tribute to her teammates whose good sportsmanship extends beyond the field. Her essay concludes that "Sportsmanship can make a huge difference in a person's life. I know, because I am fortunate to be on a team with truly great sports." She credits her teammates with inspiring her to persevere in sports.

Hoosiers have always known the importance of sports to American life. Playing sports teach our children values like leadership, self-discipline, and the importance of hard work. Improving access to sports and afterschool athletic activities is a challenge that we must strive to accomplish, so that all students can benefit from the lessons outlined in Rosemary's essay.●

#### 40TH ANNIVERSARY OF FRIENDSHIP INDUSTRIES OF HARRISONBURG

● Mr. ALLEN. Mr. President, today I would like to recognize Friendship Industries, of Harrisonburg, VA, for 40 years of service to persons with disabilities in Harrisonburg City and Rockingham County.

Friendship Industries has been a pioneer in the community since its inception. The mission of the nonprofit social service agency is to develop and maintain employment and training opportunities for persons with disabilities. Clients of the agency begin with a program called Work Adjustment. This program assists trainees with disabilities in their adjustment to a real work environment occurring within a supportive and sheltered atmosphere. The individual learns appropriate work behaviors and skills while developing the highest productivity internally as a sheltered employee, and sometimes gets placed into competitive or supported jobs in the community.

Friendship Industries started with 8 young men with mental retardation and has since grown to provide services for over 120 men and women with differing degrees of mental retardation, mental illness, and/or physical illness. The agency's financial contribution to the community has increased as well. Starting with a mere \$20,000, the budget of Friendship Industries now approaches \$4 million. It employs 20 staff to run the program, and contributes over \$3.6 million to the Harrisonburg area through wages, contract services and job training and services.

Mr. David Flick, president of Friendship Industries since 1976, has been instrumental in the growth and success of the program. With his leadership, the agency has expanded the access and breadth of the program by providing transportation to interested trainees and by forming a network of friendly area companies. I commend David for his unwavering support and passion for helping the disabled get back to work in the Shenandoah Valley.

I congratulate Friendship Industries on 40 years of dedication to improving the lives of persons with disabilities, and wish them continued success for many more years.●

#### TRIBUTE TO BILL MARTIN

● Mr. LEVIN. Mr. President, on behalf of Senator STABENOW and myself, I rise to bring tribute to Ann Arbor, MI, resident Bill Martin. On May 2 of this year, the Jewish Federation of Washtenaw County will confer their Humanitarian Award on Bill Martin as an outstanding member of the community.

Throughout his life, Bill Martin has dedicated himself, publicly and privately, to projects that involve, concern, and benefit the community. When the Ann Arbor public schools needed extra funds for school projects, Bill implemented the very successful 3-on-3 Superball basketball tournament. He rallied a group of craftsmen to rebuild State ranger cabins on Isle Royale and joined in the effort. And he answered the calls of both the University of Michigan Athletic Department and the United States Olympic Committee when they were engulfed in turmoil and scandal.

Bill Martin has been director of Intercollegiate Athletics at the Univer-

sity of Michigan since 2000. Martin has also served as the president of the United States Olympic Committee. An avid sailor, Bill Martin has also served as president of the United States Sailing Foundation, as well as the U.S. Sailing Association.

In 1968, Bill Martin founded First Martin Corporation, a diversified real estate construction, development and management firm. He is also the founder and chairman of the board of Bank of Ann Arbor.

Bill Martin's devotion to his community ranges beyond business and athletics. He has served as president of the Washtenaw Land Conservancy, and has been a board member of the Ann Arbor Public Schools Foundation and the Washtenaw Technical Middle College. He has been a member of the advisory board of U-M's Center for the Education of Women and served on the Fales Committee of the U.S. Naval Academy. He is currently on the board of directors of New York 2012, working to bring the Olympic Games to New York City.

He has been awarded numerous awards including the U.S. Olympic Committee Award for outstanding service to the U.S. Olympic Committee and America's athletes, the Nathaniel G. Herreshoff Trophy for outstanding contribution to the sport of sailing, the Bob Ufer Distinguished M Club Award, and "Ann Arbor News" Citizen of the Year for his service and contributions to the community.

Martin earned a bachelor of arts degree from Wittenberg University, a graduate degree in economics from the University of Stockholm, and a MBA from the University of Michigan.

Bill and his wife Sally have lived in Ann Arbor since 1967 when they met as students. They have two grown sons, Seth and Michael.

Senator STABENOW and I are delighted to have the opportunity to pay tribute to Bill Martin for all of his contributions to his community and congratulate him on his upcoming honor from the Jewish Federation of Washtenaw County.●

#### BSU NATIONAL DEBATE AND SPEECH CHAMPS

● Mr. CRAPO. Mr. President, I rise today to recognize Boise State University's outstanding debate and speech team, the Talkin' Broncos, who captured the national title at the Biennial Pi Kappa Delta National Tournament in St. Louis on March 20. The open tournament is the Nation's oldest and largest team competition among 4-year schools with forensics programs. More than 470 competitors representing 72 schools and 29 States participated in the event. The 14-member championship team also brought home an impressive 22 individual awards.

Many in this Chamber appreciate the importance of speech and debate in the business of government. Forensic skills translate into effective communica-

tion, and not just in politics. These young women and men have developed techniques that will serve them throughout their lives, no matter what career they decide to pursue. They have demonstrated exceptional oratory capabilities and the quick and incisive thinking needed to communicate ideas and persuade others of the merits of their opinions in an expeditious manner.

I congratulate all the students on the team as well as their coaches and head coach Marty Most. I would especially like to recognize John Petty, national champion in the broadcast journalism division; and Lacey Rammell-O'Brien and Nancy Henke for their recognition as two of only nine All-Americans. Over the years, Boise State has firmly established itself as a national force for forensics, and the fact that most of the students on the team are from Idaho high schools is a fine testament to the strength of the secondary academic programs in my home state. This national title is especially noteworthy, and I am proud to honor Boise State University's tremendous achievement in the United States Senate today.●

#### IN RECOGNITION OF HARRY VINES

● Mrs. LINCOLN. Mr. President, today I rise to pay tribute to Arkansas Harry Vines, president of the National Wheelchair Basketball Association.

The National Wheelchair Basketball Association is the largest and oldest wheelchair sports organization in the world. Established in Champagne, IL, in 1948, the National Wheelchair Basketball Association has provided opportunities for individuals with physical disabilities to learn to play and compete in the game of basketball. For more than 50 years, thousands of individuals ranging from young children to disabled war veterans have benefited from the programs of the National Wheelchair Basketball Association.

Harry Vines of Sherwood, AR, has served as the National Wheelchair Basketball Association president since 2001. Mr. Vines is well known in Arkansas for his many volunteer activities. He has served as the coach of the Arkansas Rollin' Razorbacks, a wheelchair basketball team that he helped established in 1978. In addition, Mr. Vines has coached the U.S. Wheelchair Basketball team four times in international competition and served in numerous administrative roles in the organization over the past 28 years.

On April 9, 2005, Mr. Vines, as the National Wheelchair Basketball Association President, will present the first series of National Wheelchair Basketball Association Spirit Awards in Phoenix, AZ. The Spirit Award recognizes the work of the many volunteers and organizations that support the National Wheelchair Basketball Association. The 2005 Spirit Award recipients are Evelyn Bologna of Lexington, KY; Jim Hayes of Arlington, TX; Tim Stout of

East Moline, IL; and the Rehabilitation/Education Program at the University of Illinois in Champaign, IL.

Mr. President, I applaud Harry Vines' dedicated service to the National Wheelchair Basketball Association and his exemplary leadership.●

#### TRIBUTE TO THE MIDDLEBURY PANTHERS MEN'S ICE HOCKEY TEAM,

● Mr. JEFFORDS. Mr. President, I rise today to congratulate the Middlebury College men's ice hockey team on its March 19, 2005 victory in the NCAA Division III National Championship against St. Thomas University. This is the second straight national championship for the Panthers and their seventh in the past 11 years.

For more than two centuries, Middlebury College has offered students a top-notch liberal arts education. Best known for its academic excellence and its picturesque campus, Middlebury also boasts a highly regarded athletic program that complements its educational mission and helps facilitate a great collegiate experience for all Middlebury students. Over 25 percent of all undergraduates at the college participate in varsity sports and Middlebury has won an astonishing 24 national titles in just over a decade.

During this past hockey season, the Panthers represented Middlebury with hard work and determination on the ice. The accomplishments of the student-athletes were rewarded by a loyal fan base that packed the Chip Kenyon Arena night after night to watch great college hockey. Along with the thousands of Middlebury hockey fans, I am proud to have such an impressive college hockey team playing in the State of Vermont.

I congratulate each member of the team: Head Coach Bill Beaney, Assistant Coach Chris LaPerle, Student Assistant Coach Ryan Cahill, Team Manager Ryan McQuillan, Team Trainer David Matthews, Team Physician Mark Peluso, Ross Cherry, Tom Maldonado, Jed McDonald, Levi Doria, Scott Ward, Tim Graham, Mickey Gilchrist, Darwin Hunt, Patrick Nugent, Eric LeFreniere, Justin Gaines, Evgeny Saidachev, Robert MacIntyre, Shady Young, Jeff Smith, Brett Shirreffs, John Sales, Leonard Badeau, Brian Phinney, Richie Fuld, Yen-I Chen, Jocko DeCarolis, Samuel Driver, and Scott Bartlett.

Again, congratulations Panthers on another incredible season and good luck next year.●

#### TRIBUTE TO THE MIDDLEBURY PANTHERS WOMEN'S ICE HOCKEY TEAM

● Mr. JEFFORDS. Mr. President, I would like to commend the Middlebury College women's ice hockey team on its recent victory in the NCAA Division III National Championship against

Elmira College. This is the second straight national championship for the Panthers and their fourth in the past 6 years.

Over 120 years ago, Middlebury College began admitting female students, decades before many similar institutions were willing to do so. Since that time, Middlebury has offered young men and women alike a superb liberal arts education amidst the beauty of the Green Mountains. Reflecting Middlebury's proud and pioneering tradition of academic excellence and co-education, the women's athletic program at Middlebury has developed into one of the best Division III athletics. Over the last 10 years, women's athletic teams at Middlebury have captured 13 national titles.

The women's hockey team has been one of the most consistently successful athletic teams at Middlebury. In the 2005 national championship, the Panthers exhibited their characteristic spirit and determination by overcoming an early 2-1 deficit to win by a final 4-3. I am pleased our local schoolchildren have the opportunity to see such accomplished and impressive student-athletes competing in Vermont.

I congratulate each member of the team: Head Coach Bill Mandigo, Assistant Coach Jean Butler, Team Trainer Rachel Eldredge, Team Physician Mark Peluso, Abby Kurtz-Phelan, Shannon Tarrant, Emily McNamara, Rose Babst, Liz Yale-Loehr, Allison Liati, Karen Levin, Gillian Paul, Shannon Sylvester, Emily Quizon, Jackie Cohen, Lindsay Jones, Tory MacNeil, Gloria Velez, Alison Graddock, Margaret MacDonald, Samantha Ritt, Lacey Farrell, Ellen Sargent, Lorna Gifis, Tania Kenny, Kerry Kiley, Abby Smith, Angie Todd, Nina Daugherty, and Kate Kogut.

Again, congratulations Panthers on another national championship, I wish you all the best next year.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### MESSAGE FROM THE HOUSE DURING ADJOURNMENT

Under authority of the order of the Senate of January 4, 2005, the Secretary of the Senate, on March 21, 2005, during the adjournment of the Senate,

received a message from the House of Representatives announcing that the House has passed the following bill, without amendment

S. 686. An act to provide for the relief of the parents of Theresa Marie Schiavo.

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 23. concurrent resolution providing for a conditional adjournment or recess of the Senate, and a conditional adjournment of the House of Representatives.

The message further announced that the Speaker has signed the following enrolled bill:

H.R. 1270. An act to amend the Internal Revenue Code of 1986 to extend the Leaking Underground Storage Tank Trust Fund financing rate.

The enrolled bill was signed subsequently by the Acting President pro tempore. (Mr. WARNER).

The message also announced that the Speaker has signed the following enrolled bill:

S. 686. An act to provide for the relief of the parents of Theresa Marie Schiavo.

The enrolled bill was signed subsequently by the Acting President pro tempore. (Mr. FRIST).

#### MESSAGE FROM THE HOUSE

At 2:02 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 95. Concurrent resolution establishing the congressional budget for the United States Government for fiscal year 2006, revising appropriate budgetary levels for fiscal year 2005, and setting forth appropriate budgetary levels for fiscal years 2007 through 2010.

#### ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on March 21, 2005, she had presented to the President of the United States the following enrolled bill:

S. 686. An act to provide for the relief of the parents of Theresa Marie Schiavo.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-1321. A communication from the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a report relative to the New England fishing capacity reduction initiative; to the Committee on Commerce, Science, and Transportation.

EC-1322. A communication from the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a report entitled "Apportionment of Membership on the Regional Fishery

Management Councils"; to the Committee on Commerce, Science, and Transportation.

EC-1323. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Implement Final Specification for Groundfish in the Gulf of Alaska Management Area" received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-1324. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Implement Amendment 82 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area" received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-1325. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule: Annual Management Measures for the 2005 Pacific Halibut Fishery" (0648-AT06) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-1326. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Implement Final Specification for Groundfish in the Bering Sea and Aleutian Islands Management Area" received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-1327. A communication from the Attorney Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of the Commission's Rules Concerning Airport Terminal Use Frequencies in the 450-470 MHz Band of the Private Land Mobile Radio Services" ((WT Docket No. 02-318) (FCC 05-16)) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-1328. A communication from the Attorney Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "The 4.9 GHz Band Transferred from Federal Government Use" ((WT Docket No. 00-32) (FCC 04-265)) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-1329. A communication from the Attorney Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Implementation of Sections 309 (j) and 337 of the Communications Act of 1934 as Amended; Promotion of Spectrum Efficient Technologies on Certain Part 90 Frequencies" ((WT Docket No. 99-87) (FCC 04-292)) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-1330. A communication from the Attorney Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "The Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Agency Communication Requirements Through the Year 2010" ((WT Docket No. 96-86) (FCC 05-9)) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-1331. A communication from the Acting Director, Office of Sustainable Fisheries, Na-

tional Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure of Rock Sole/Flathead Sole/Other Flatfish Fishery Category by Vessels Using Trawl Gear in Bering Sea and Aleutian Islands Management Area" (I.D. No. 022805E) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-1332. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Reduction of Landing Limit of Yellowtail Flounder from the U.S. / Canada Management Area" (I.D. No. 020705A) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-1333. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure of Central Aleutian Islands Atka Mackerel Fishery" (I.D. No. 021605A) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-1334. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure of Pacific Cod by Catcher/Processor Vessels Using Hook-and-Line Gear in the Bering Sea and Aleutian Islands Management Area" (I.D. No. 022305E) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-1335. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure of Pollock in Statistical Area 630 of the Gulf of Alaska" (I.D. No. 021105B) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-1336. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure of Pacific Cod by Catcher Vessels 60 Feet (18.3 Meters) Length Overall and Using Pot Gear in the Bering Sea and Aleutian Islands Management Area" (I.D. No. 021105A) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-1337. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure of Directed Fishing for Pacific Cod by Specified Sectors in the Western and Central Regulatory Areas of the Gulf of Alaska (GOA)" (I.D. No. 022305D) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-1338. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Notice of Fishing Season Dates for the Sablefish Fixed Gear IFQ Program" (I.D. No. 022305B) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-1339. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and

Butterfish Fisheries; Closure of Fishery for Loligo Squid for Quarter I—2005" (I.D. No. 021405B) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-1340. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure of Pollock in Statistical Area 620 in the Gulf of Alaska" (I.D. No. 030105F) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-1341. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure of Central GOA Offshore Pacific Cod" (I.D. No. 021805F) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-1342. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure of Western GOA Offshore Pacific Cod" (I.D. No. 021805G) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-1343. A communication from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure of Pacific Cod by Catcher/Processor Vessels Using Hook-and-Line Gear in the Bering Sea and Aleutian Islands Management Area" (I.D. No. 021805A) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-1344. A communication from the Attorney Advisor, Maritime Administration, Department of Transportation, transmitting, pursuant to law, the report of a vacancy in the position of Administrator, received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-1345. A communication from the Attorney Advisor, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary for Transportation Policy, received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-1346. A communication from the Attorney Advisor, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary for Budget and Programs, received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-1347. A communication from the Deputy Assistant Secretary for Export Administration, Office of Strategic Industries and Economic Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Defense Priorities and Allocations System (DPAS): Electronic Transmission of Reasons for Rejecting Rated Orders" (RIN0694-AD35) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-1348. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Licensing Policy for Entities Sanctioned under Specified Statutes; License Requirement for Certain Sanctioned Entities; and Imposition of License Requirement for Tula Instrument Design Bureau" (RIN0694-AD24) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-1349. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Export Administration Regulations Based on the 2004 Missile Technology Control Regime Plenary Agreements; Additions to the Entity List; Revisions to the Missile Catch-All Controls" (RIN0694-AC24) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-1350. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Kerman, California; Lockney, Texas; Lone Wolf, Oklahoma; Quanah, Texas; Orchard Mesa, Colorado; Rising Star, Texas; Twentynine Palms, California; and Waterford, California)" (MB Docket Nos. 04-301, 04-302, 04-303, 04-304, 04-306, 04-307, 04-308, and 04-309) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-1351. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Gassville, AR and Nantucket, MA)" (MB Docket Nos. 04-237 and 04-238) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-1352. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Durant, Oklahoma and Tom Bean, Texas)" (MB Docket No. 04-401) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-1353. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Nantucket, East Harwich, and South Chatham, MA)" (MB Docket No. 02-72) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-1354. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Adams, Massachusetts; Ashtabula, Ohio; Crested Butte, Colorado; Lawrence Park, Pennsylvania)" (MB Docket Nos. 04-357, 04-358, 04-359, 04-360) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-1355. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Walla Walla and Burbank, Washington)" (MB Docket No. 02-63) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-1356. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Rhinelander, Wisconsin)" (MB Docket No. 04-288) received on March 18, 2005; to the

Committee on Commerce, Science, and Transportation.

EC-1357. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Lake Havasu City, Arizona and Pahrump, Nevada)" (MB Docket No. 04-224) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-1358. A communication from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Port Rucker, Ozark and Slocumb, Alabama)" (MB Docket No. 04-146) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-1359. A communication from the Associate Bureau Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Developing a Unified Inter-carrier Compensation Regime; T-Mobile et al. Petition for Declaratory Ruling Regarding Incumbent LEC Wireless Termination Tariffs" (CC Docket No. 01-92, FCC 05-42) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-1360. A communication from the Legal Advisor/Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Part 22 of the Commission's Rules to Benefit the Consumers of Air-Ground Telecommunications Services; Biennial Regulatory Review—Amendment of Parts 1, 22, and 90 of the Commissions Rules; Amendment of Parts 1 and 22 of the Commissions Rules to Adopt Competitive Bidding Rules for Commercial and General." (WT Dkt Nos. 03-103 and 05-42; FCC 04-287) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-1361. A communication from the Assistant Bureau Chief, International Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Flexibility for Delivery of Communications by Mobile Satellite Service Providers in the 2 GHz Band, the L-Band, and the 1.6/2.4 GHz Bands" (IB Docket No. 01-185, FCC No. 05-30) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-1362. A communication from the Interim Legal Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Direct Broadcast Satellite Licenses" (FCC 04-271, AUC 03-52) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-1363. A communication from the Assistant Bureau Chief, Enforcement Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Part 11 of the Commission's Rules Regarding the Emergency Alert System" (ED Docket No. 04-51, FCC 05-21) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-1364. A communication from the Assistant Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Presubscribed Interexchange Carrier Charges" (FCC 05-32, CC Docket No. 02-53) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-1365. A communication from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Prescreen Opt-Out Disclosure" (RIN3084-AA94) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-1366. A communication from the Deputy Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Federal-State Joint Board on Universal Service, National Telephone Cooperative Association Petition for Reconsideration (CC Docket No. 96-45; FCC 05-1) received on March 18, 2005; to the Committee on Commerce, Science, and Transportation.

EC-1367. A communication from the Acting Under Secretary for Industry and Security, Department of Commerce, transmitting, pursuant to law, a report entitled "Imposition of Foreign Policy Controls on Certain Entities Sanctioned by the State Department and on Tula Instrument Design Bureau of Russia"; to the Committee on Commerce, Science, and Transportation.

EC-1368. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Editorial Corrections to Part 730 of the Export Administration Regulations" (RIN0694-AD40) received on March 28, 2005; to the Committee on Commerce, Science, and Transportation.

EC-1369. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revision of Export and Reexport Restrictions on Libya: Responses to Comments on the Interim Rule" (RIN0694-AD14) received on March 28, 2005; to the Committee on Commerce, Science, and Transportation.

EC-1370. A communication from the Attorney Advisor, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a vacancy in the position of Administrator, received on March 28, 2005; to the Committee on Commerce, Science, and Transportation.

EC-1371. A communication from the Senior Paralegal (Regulations), Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Special Rules for Adjudicatory Proceedings for Certain Holding Companies" (RIN1550-AB96) received on March 24, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC-1372. A communication from the Senior Paralegal (Regulations), Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Community Reinvestment Act—Assigned Ratings" (RIN1550-AB48) received on March 24, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC-1373. A communication from the Senior Paralegal (Regulations), Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Proper Disposal of Consumer Information Under the Fair and Accurate Credit Transactions Act of 2003" (RIN1550-AB87) received on March 24, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC-1374. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (70 FR 5942) received



on March 18, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC-1375. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (70 FR 5938) received on March 18, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC-1376. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (70 FR 5937) received on March 18, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC-1377. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (70 FR 5936) received on March 18, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC-1378. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (70 FR 5933) received on March 18, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC-1379. A communication from the Assistant to the Board, Division of Banking Supervision and Regulation, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Risk-Based Capital Standards: Trust Preferred Securities and the Definition of Capital" (Docket No. R-1193) received on March 24, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC-1380. A communication from the Chief Counsel, Bureau of Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "31 CFR 315, 316, 351, 353, 359, 360 and 363, Regulations Governing Treasury Securities, New Treasury Direct System" received on March 18, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC-1381. A communication from the Counsel for Legislation and Regulations, Office of Community Planning and Development, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Community Development Block Grant Program; Small Cities and Insular Areas Programs" (RIN2506-AC17) (FR-4919-F-02) received on March 18, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC-1382. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the periodic report on the national emergency declared in Executive Order 13224 of September 23, 2001 with respect to persons who commit, threaten to commit, or support terrorism; to the Committee on Banking, Housing, and Urban Affairs.

EC-1383. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the periodic report on telecommunications payments made to Cuba pursuant to Treasury Department Specific Licenses; to the Committee on Banking, Housing, and Urban Affairs.

EC-1384. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the periodic report on the national emergency with respect to Iran that was declared in Executive Order 12957 of March 15, 1995; to the Committee on Banking, Housing, and Urban Affairs.

EC-1385. A communication from the Director, Office of Human Capital Management,

Department of Energy, transmitting, pursuant to law, the report of a vacancy in the position of Secretary of Energy, received on March 28, 2005; to the Committee on Energy and Natural Resources.

EC-1386. A communication from the General Counsel, Office of the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Reporting Requirements for Changes in Status for Public Utilities with Market-Based Rate Authority" (Docket No. RM04-14-000) received on March 18, 2005; to the Committee on Energy and Natural Resources.

EC-1387. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Colorado Regulatory Program" (CO-033-FOR) received on March 24, 2005; to the Committee on Energy and Natural Resources.

EC-1388. A communication from the Assistant Secretary, Land and Mineral Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "43 CFR Part 1600—Land Use Planning" (RIN1004-AD57) received on March 24, 2005; to the Committee on Energy and Natural Resources.

EC-1389. A communication from the Chairman, Tennessee Valley Authority, transmitting, pursuant to law, the Authority's report required by the Government in the Sunshine Act for Calendar Year 2004; to the Committee on Environment and Public Works.

EC-1390. A communication from the Acting Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, a proposed bill for authorization of appropriations for fiscal year 2006; to the Committee on Environment and Public Works.

EC-1391. A communication from the Director, Office of Congressional Affairs, Nuclear Materials Safety and Safeguards, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Final Rule—10 CFR Part 35, 'Medical Use of Byproduct Material'" (RIN3150-AH19) received on March 28, 2005; to the Committee on Environment and Public Works.

EC-1392. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Texas; Revisions to Control Volatile Organic Compound Emissions" (FRL No. 7890-4) received on March 28, 2005; to the Committee on Environment and Public Works.

EC-1393. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans: Texas; Post 1996 Rate-of-Progress Plan, Adjustments to the 1990 Base Year Emissions Inventory, and Motor Vehicle Emissions Budgets for the Dallas/Fort Worth Ozone Nonattainment Area" (FRL No. 7890-1) received on March 28, 2005; to the Committee on Environment and Public Works.

EC-1394. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "South Carolina: Final Authorization of State Hazardous Waste Management Program Revision" (FRL No. 7889-8) received on March 28, 2005; to the Committee on Environment and Public Works.

EC-1395. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Envi-

ronmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revision of December 2000 Regulatory Finding on the Emissions of Hazardous Air Pollutants from Electric Utility Steam Generating Units and the Removal of Coal—and Oil-fired Electric Utility Steam Generating Units from the Section 112(c) List" (FRL No. 7887-7) received on March 28, 2005; to the Committee on Environment and Public Works.

EC-1396. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Standard of Performance for New and Existing Stationary Sources: Electric Utility Steam Generating Units" (FRL No. 7888-1) received on March 28, 2005; to the Committee on Environment and Public Works.

EC-1397. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants; Delegation of Authority to Louisiana; Correction" (FRL No. 7887-2) received on March 24, 2005; to the Committee on Environment and Public Works.

EC-1398. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "North Carolina: Final Authorization of State Hazardous Waste Management Program Revision" (FRL No. 7888-3) received on March 24, 2005; to the Committee on Environment and Public Works.

EC-1399. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Rule to Reduce Interstate Transport of Fine Particulate Matter and Ozone (Clean Air Interstate Rule); Revisions to Acid Rain Program; Revisions to the NOx SIP Call" (FRL No. 7885-9) received on March 24, 2005; to the Committee on Environment and Public Works.

EC-1400. A communication from the Chairman, Medicare Payment Advisory Commission, transmitting, pursuant to law, the Commission's March 2005 report entitled "Physician-Owned Specialty Hospitals"; to the Committee on Finance.

EC-1401. A communication from the Commissioner, Social Security Administration, transmitting, pursuant to law, a report on the progress of the demonstration project required by section 303 of the Social Security Protection Act of 2004; to the Committee on Finance.

EC-1402. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Medicare Prescription Drug, Improvement and Modernization Act of 2003; to the Committee on Finance.

EC-1403. A communication from the Board of Trustees of the Federal Old-Age and Survivors Insurance and Disability Insurance Trust Funds, transmitting, pursuant to law, the Board's 2005 Annual Report; to the Committee on Finance.

EC-1404. A communication from the Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Nonpayment of Benefits When the Social Security Administration Receives Notice that an Insured Person is Deported or Removed from the United States" (RIN0960-AG16) received on March 28, 2005; to the Committee on Finance.

EC-1405. A communication from the Regulations Coordinator, Centers for Disease Control, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Possession, Use, and Transfer of Select Agents and Toxins" (RIN0920-AA09) received on March 24, 2005; to the Committee on Finance.

EC-1406. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Medicare Prescription Drug Benefit; Interpretation" (RIN0938-AN08) received on March 24, 2005; to the Committee on Finance.

EC-1407. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Establishment of the Medicare Advantage Program; Interpretation" (RIN0938-AN06) received on March 24, 2005; to the Committee on Finance.

EC-1408. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare and Medicaid Programs; Fire Safety Requirements for Certain Health Care Facilities; Amendment" (RIN0938-AN36) received on March 24, 2005; to the Committee on Finance.

EC-1409. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Frustrated Arguments Regarding Waiver of Social Security Benefits Used to Avoid Tax" (Rev. Rul. 2005-17) received on March 24, 2005; to the Committee on Finance.

EC-1410. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—April 2005" (Rev. Rul. 2005-23) received on March 24, 2005; to the Committee on Finance.

EC-1411. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Time and Manner of Making Section 163(d)(4)(B) Election to Treat Qualified Dividend Income as Investment Income" ((RIN1545aa-BD30) (TD 9191)) received on March 24, 2005; to the Committee on Finance.

EC-1412. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Fringe Benefits Aircraft Valuation Formula" (Rev. Rul. 2005-14) received on March 28, 2005; to the Committee on Finance.

EC-1413. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 704(c), Installment Obligations and Contributed Contracts" ((RIN1545-BB65) (T.D. 9193)) received on March 28, 2005; to the Committee on Finance.

EC-1414. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "AMT and Refinanced Mortgage Interest" (Rev. Rul. 2005-11) received on March 28, 2005; to the Committee on Finance.

EC-1415. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Appeals Settlement Guidelines: Home Based Business" (UIL No.: 262.18-01) received on March 28, 2005; to the Committee on Finance.

EC-1416. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance Under Section 1502; Application of Section 108 to Members of a Consolidated Group" (RIN1545-BC38, -BC74, -BC95 TD 9192) received on March 28, 2005; to the Committee on Finance.

EC-1417. A communication from the Director of Government Affairs, National Endowment for the Arts, transmitting, pursuant to law, the report of the Endowment's 2004 fiscal year usage of Category Rating Human Resource Flexibility; to the Committee on Health, Education, Labor, and Pensions.

EC-1418. A communication from the Secretary of Labor, transmitting, pursuant to law, the second annual report of the President's National Hire Veterans Committee; to the Committee on Health, Education, Labor, and Pensions.

EC-1419. A communication from the Executive Director and the Chairman of the Board, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the Corporation's 2004 annual report; to the Committee on Health, Education, Labor, and Pensions.

EC-1420. A communication from the Assistant Secretary for Administration and Management, Employment Standards Administration, Department of Labor, transmitting, pursuant to law, the report of a vacancy in the position of Administrator, Wage and Hour Division, received on March 24, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-1421. A communication from the Deputy Executive Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" received March 18, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-1422. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Establishment and Maintenance of Records Under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002; Correction" (Docket No. 2002N-0277) received on March 18, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-1423. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Food Additives Permitted for Direct Addition to Food for Human Consumption; Acacia (Gum Arabic)" (Docket No. 2003F-0023) received on March 18, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-1424. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Secondary Direct Food Additives Permitted in Food for Human Consumption" (Docket No. 2003F-0535) received on March 18, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-1425. A communication from the Chief, Office of Regulations and Policy Management, Board of Veterans' Appeals, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Board of Veterans' Appeals: Appeals Regulations, Rules of Practice; Delegations of Authority" (RIN2900-AL96) received on March 18, 2005; to the Committee on Veterans' Affairs.

EC-1426. A communication from the Chairman, Federal Communications Commission, transmitting, pursuant to law, the report of a violation of the Antideficiency Act relative to violations of sections 1341 and 1517(a) of Title 31, United States Code; to the Committee on Appropriations.

EC-1427. A communication from the Director, Office of Federal Housing Enterprise Oversight (OFHEO), transmitting, pursuant to law, the OFHEO's Fiscal Year 2004 Performance Report; to the Committee on Homeland Security and Governmental Affairs.

EC-1428. A communication from the Director, Liaison Division, General Services Administration, transmitting, pursuant to law, the report of the final audit of the Panama Canal Commission; to the Committee on Homeland Security and Governmental Affairs.

EC-1429. A communication from the Assistant Secretary, Bureau of Indian Affairs, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Law and Order on Indian Reservations" (RIN1076-AE52) received on March 28, 2005; to the Committee on Indian Affairs.

EC-1430. A communication from the Secretary of the Judicial Conference of the United States, transmitting, a report relating to the Biennial Survey of Article III Judgeship Needs; to the Committee on the Judiciary.

EC-1431. A communication from the Secretary, Judicial Conference of the United States, transmitting, a draft of proposed legislation entitled "Federal Judgeship Act of 2005"; to the Committee on the Judiciary.

EC-1432. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the Annual Report of the Office of the Juvenile Justice and Delinquency Prevention for 2003-2004; to the Committee on the Judiciary.

EC-1433. A communication from the Assistant Chief, Regulations and Procedures Division, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Establishment of the Trinity Lakes Viticultural Area" (RIN1513-AA29) received on March 18, 2005; to the Committee on the Judiciary.

EC-1434. A communication from the Acting Under Secretary of Defense, transmitting, pursuant to law, a report entitled "Fiscal Year 2004 Competitive Sourcing Efforts"; to the Committee on Armed Services.

EC-1435. A communication from the Principal Deputy, Personnel and Readiness, Office of the Under Secretary of Defense, transmitting, pursuant to law, the Department's annual audit of the American Red Cross (ARC) consolidated financial statements for the year ending June 30, 2004; to the Committee on Armed Services.

EC-1436. A communication from the Assistant Secretary of Defense, transmitting, pursuant to law, the Department's annual report on the quality of health care provided by the health care programs of the Department of Defense (DOD) during fiscal year 2003; to the Committee on Armed Services.

EC-1437. A communication from the Acting Director, Office of Personnel Management and the Senior Executive, National Security

Personnel System, Department of Defense, transmitting, pursuant to law, a report entitled "Comments on Proposed Regulations for the National Security Personnel System From Unions Representing DoD Employees"; to the Committee on Armed Services.

EC-1438. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report on the military operations of the Armed Forces and the reconstruction activities of the Department in Iraq and Afghanistan; to the Committee on Armed Services.

EC-1439. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, the approval of the wearing of the insignia of the grade of lieutenant general; to the Committee on Armed Services.

EC-1440. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, the approval of the wearing of the insignia of the grade of vice admiral; to the Committee on Armed Services.

EC-1441. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, Department of Defense, transmitting, pursuant to law, the approval of the wearing of the insignia of the grade of vice admiral; to the Committee on Armed Services.

EC-1442. A communication from the Secretary of Defense, transmitting, the report of a retirement; to the Committee on Armed Services.

EC-1443. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Provision of Information to Cooperative Agreement Holders" (DFARS Case 2004-D025) received on March 18, 2005; to the Committee on Armed Services.

EC-1444. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the Commission's Final Annual Performance Plan for Fiscal Year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC-1445. A communication from the Director, Office of Government Ethics, transmitting, pursuant to law, a report entitled "Evaluating the Financial Disclosure Process for Employees of the Executive Branch, and Recommending Improvements to It"; to the Committee on Homeland Security and Governmental Affairs.

EC-1446. A communication from the General Counsel, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report of a vacancy in the position of Controller, received on March 28, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-1447. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Department's Fiscal Year 2004 Performance Report for the Animal Drug User Fee Act; to the Committee on Homeland Security and Governmental Affairs.

EC-1448. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Performance Improvement 2003: Evaluation Activities of the U.S. Department of Health and Human Services"; to the Committee on Homeland Security and Governmental Affairs.

EC-1449. A communication from the Assistant Secretary, Policy, Management and Budget, Department of the Interior, transmitting, pursuant to law, a report on the Department's inventory of commercial activi-

ties; to the Committee on Homeland Security and Governmental Affairs.

EC-1450. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-48, "Washington Convention Center Authority Advisory Committee Continuity Temporary Amendment Act of 2005"; to the Committee on Homeland Security and Governmental Affairs.

EC-1451. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-47, "Terrorism Prevention in Hazardous Materials Transportation Temporary Act of 2005"; to the Committee on Homeland Security and Governmental Affairs.

EC-1452. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-46, "Electronic Recording Procedures and Penalties Temporary Act of 2005"; to the Committee on Homeland Security and Governmental Affairs.

EC-1453. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16-49, "Abatement of Nuisance Construction Projects Temporary Amendment Act of 2005"; to the Committee on Homeland Security and Governmental Affairs.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. COCHRAN (for himself, Mrs. LINCOLN, and Mr. LUGAR):

S. 688. A bill to amend the Internal Revenue Code of 1986 to clarify the excise tax exemptions for aerial applicators of fertilizers or other substances; to the Committee on Finance.

By Mr. DOMENICI (for himself, Mr. BINGAMAN, and Mr. HAGEL):

S. 689. A bill to amend the Safe Drinking Water Act to establish a program to provide assistance to small communities for use in carrying out projects and activities necessary to achieve or maintain compliance with drinking water standards; to the Committee on Environment and Public Works.

By Mr. DOMENICI:

S. 690. A bill to amend the Transportation Equity Act for the 21st Century to provide from the Highway Trust Fund additional funding for Indian reservation roads, and for other purposes; to the Committee on Indian Affairs.

By Mr. DOMENICI (for himself, Mr. NELSON of Florida, Mr. SANTORUM, Mr. ENSIGN, Mr. MARTINEZ, Mr. ALLEN, Mr. LIEBERMAN, Mr. LAUTENBERG, and Mr. BUNNING):

S. 691. A bill to modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names; to the Committee on the Judiciary.

By Mr. DOMENICI:

S. 692. A bill to provide for the conveyance of certain public land in northwestern New Mexico by resolving a dispute associated with coal preference right lease interests on the land; to the Committee on Indian Affairs.

By Mr. CORNYN:

S. 693. A bill to provide for judicial review of national security letters issued to wire and electronic communications service providers; to the Committee on the Judiciary.

By Mr. COLEMAN:

S. 694. A bill to amend the Workforce Investment Act of 1998 to provide for a job training grant pilot program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. COCHRAN (for himself and Mr. BYRD):

S. 695. A bill to suspend temporarily new shipper bonding privileges; to the Committee on Finance.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID (for himself, Mr. FRIST, Mr. SHELBY, and Mr. SESSIONS):

S. Res. 93. A resolution relative to the death of Howell T. Heflin, former United States Senator for the State of Alabama; considered and agreed to.

By Mr. BROWNBACK (for himself, Mr. BUNNING, Mr. BURNS, Mr. CHAMBLISS, Mrs. CLINTON, Mr. CORNYN, Mr. DEMINT, Mr. DOMENICI, Mr. ENZI, Mr. GRASSLEY, Mr. KERRY, Mr. KOHL, Mr. MARTINEZ, Mr. THUNE, Mr. DURBIN, and Mr. NELSON of Nebraska):

S. Res. 94. A resolution honoring Pope John Paul II; to the Committee on the Judiciary.

#### ADDITIONAL COSPONSORS

S. 37

At the request of Mrs. FEINSTEIN, the names of the Senator from New Jersey (Mr. CORZINE), the Senator from North Dakota (Mr. DORGAN) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 37, a bill to extend the special postage stamp for breast cancer research for 2 years.

S. 109

At the request of Ms. LANDRIEU, her name was withdrawn as a cosponsor of S. 109, a bill entitled the "Pharmaceutical Market Access Act of 2005".

S. 132

At the request of Mrs. LINCOLN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 132, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for premiums on mortgage insurance.

S. 147

At the request of Mr. AKAKA, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 147, a bill to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity.

S. 185

At the request of Mr. NELSON of Florida, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of S. 185, a bill to amend title 10, United States Code, to repeal the requirement for the reduction of certain Survivor Benefit Plan annuities by the amount of dependency and indemnity compensation

and to modify the effective date for paid-up coverage under the Survivor Benefit Plan.

S. 217

At the request of Mr. BINGAMAN, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 217, a bill to amend title 49, United States Code, to preserve the essential air service program.

S. 241

At the request of Ms. SNOWE, the names of the Senator from North Dakota (Mr. DORGAN), the Senator from Michigan (Mr. LEVIN), the Senator from Mississippi (Mr. LOTT), the Senator from Nebraska (Mr. NELSON), the Senator from Kansas (Mr. ROBERTS) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of S. 241, a bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

S. 304

At the request of Mr. LAUTENBERG, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 304, a bill to amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals.

S. 308

At the request of Mr. LAUTENBERG, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 308, a bill to require that Homeland Security grants related to terrorism preparedness and prevention be awarded based strictly on an assessment of risk, threat, and vulnerabilities.

S. 324

At the request of Mr. AKAKA, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 324, a bill to provide additional protections for recipients of the earned income tax credit.

S. 333

At the request of Mr. SANTORUM, the names of the Senator from Louisiana (Mr. VITTER) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 333, a bill to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran.

S. 337

At the request of Mr. GRAHAM, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 337, a bill to amend title 10, United States Code, to revise the age and service requirements for eligibility to receive retired pay for non-regular service, to expand certain authorities to provide health care benefits for Reserves and their families, and for other purposes.

S. 338

At the request of Mr. SMITH, the names of the Senator from Rhode Is-

land (Mr. REED), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Michigan (Ms. STABENOW) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 338, a bill to provide for the establishment of a Bipartisan Commission on Medicaid.

S. 340

At the request of Mr. LUGAR, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 340, a bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

S. 352

At the request of Ms. MIKULSKI, the names of the Senator from North Dakota (Mr. CONRAD), the Senator from Delaware (Mr. CARPER) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 352, a bill to revise certain requirements for H-2B employers and require submission of information regarding H-2B non-immigrants, and for other purposes.

S. 359

At the request of Mr. CRAIG, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 359, a bill to provide for the adjustment of status of certain foreign agricultural workers, to amend the Immigration and Nationality Act to reform the H-2A worker program under that Act, to provide a stable, legal agricultural workforce, to extend basic legal protections and better working conditions to more workers, and for other purposes.

S. 362

At the request of Mr. INOUE, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 362, a bill to establish a program within the National Oceanic and Atmospheric Administration and the United States Coast Guard to help identify, determine sources of, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigation safety, in coordination with non-Federal entities, and for other purposes.

S. 369

At the request of Mr. DODD, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 369, a bill to establish protections against compelled disclosure of sources, and news information, by persons providing services for the news media.

S. 382

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 382, a bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

S. 386

At the request of Mr. HAGEL, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor

of S. 386, a bill to direct the Secretary of State to carry out activities that promote the adoption of technologies that reduce greenhouse gas intensity in developing countries, while promoting economic development, and for other purposes.

S. 387

At the request of Mr. HAGEL, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 387, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives for the investment in greenhouse gas intensity reduction projects, and for other purposes.

S. 388

At the request of Mr. HAGEL, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 388, a bill to amend the Energy Policy Act of 1992 to direct the Secretary of Energy to carry out activities that promote the adoption of technologies that reduce greenhouse gas intensity and to provide credit-based financial assistance and investment protection for projects that employ advanced climate technologies or systems, to provide for the establishment of a national greenhouse gas registry, and for other purposes.

S. 408

At the request of Mr. DEWINE, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 408, a bill to provide for programs and activities with respect to the prevention of underage drinking.

S. 420

At the request of Mr. HAGEL, his name was added as a cosponsor of S. 420, a bill to make the repeal of the estate tax permanent.

S. 424

At the request of Mr. HAGEL, his name was added as a cosponsor of S. 424, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 495

At the request of Mr. CORZINE, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 495, a bill to impose sanctions against perpetrators of crimes against humanity in Darfur, Sudan, and for other purposes.

S. 515

At the request of Mr. BYRD, the names of the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Oregon (Mr. WYDEN) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 515, a bill to amend title 32, United States Code, to increase the maximum Federal share of the costs of State programs under the National Guard Youth Challenge Program, and for other purposes.

S. 520

At the request of Mr. SHELBY, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor

of S. 520, a bill to limit the jurisdiction of Federal courts in certain cases and promote federalism.

S. 521

At the request of Mrs. HUTCHISON, the names of the Senator from New Jersey (Mr. CORZINE) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of S. 521, a bill to amend the Public Health Service Act to direct the Secretary of Health and Human Services to establish, promote, and support a comprehensive prevention, research, and medical management referral program for hepatitis C virus infection.

S. 542

At the request of Mr. DORGAN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 542, a bill to amend the Internal Revenue code of 1986 to extend for 5 years the credit for electricity produced from certain renewable resources, and for other purposes.

S. 576

At the request of Mr. BYRD, the names of the Senator from California (Mrs. BOXER) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 576, a bill to restore the prohibition on the commercial sale and slaughter of wild free-roaming horses and burros.

S. 601

At the request of Mr. CONRAD, the names of the Senator from Florida (Mr. NELSON), the Senator from Colorado (Mr. SALAZAR) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 601, a bill to amend the Internal Revenue Code of 1986 to include combat pay in determining an allowable contribution to an individual retirement plan.

S. 633

At the request of Mr. JOHNSON, the names of the Senator from Oregon (Mr. WYDEN), the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Rhode Island (Mr. CHAFEE) were added as cosponsors of S. 633, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 635

At the request of Mr. SANTORUM, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 635, a bill to amend title XVIII of the Social Security Act to improve the benefits under the medicare program for beneficiaries with kidney disease, and for other purposes.

S. 642

At the request of Mr. FRIST, the names of the Senator from North Carolina (Mrs. DOLE), the Senator from Wyoming (Mr. THOMAS), the Senator from North Carolina (Mr. BURR), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 642, a bill to support certain national youth organizations, including the Boy

Scouts of America, and for other purposes.

S. 662

At the request of Ms. COLLINS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 662, a bill to reform the postal laws of the United States.

S. 677

At the request of Mr. SANTORUM, the names of the Senator from Texas (Mr. CORNYN), the Senator from Minnesota (Mr. COLEMAN) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 677, a bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes.

S. CON. RES. 8

At the request of Mr. SARBANES, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. Con. Res. 8, a concurrent resolution expressing the sense of Congress that there should continue to be parity between the adjustments in the pay of members of the uniformed services and the adjustments in the pay of civilian employees of the United States.

S. RES. 31

At the request of Mr. COLEMAN, the names of the Senator from Missouri (Mr. BOND) and the Senator from Missouri (Mr. TALENT) were added as cosponsors of S. Res. 31, a resolution expressing the sense of the Senate that the week of August 7, 2005, be designated as "National Health Center Week" in order to raise awareness of health services provided by community, migrant, public housing, and homeless health centers, and for other purposes.

S. RES. 82

At the request of Mr. ALLEN, the names of the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Nevada (Mr. ENSIGN), the Senator from Louisiana (Mr. VITTER), the Senator from Michigan (Ms. STABENOW), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. Res. 82, a resolution urging the European Union to add Hezbollah to the European Union's wide-ranging list of terrorist organizations.

S. RES. 85

At the request of Mr. THOMAS, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of S. Res. 85, a resolution designating July 23, 2005, and July 22, 2006, as "National Day of the American Cowboy".

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOMENICI (for himself, Mr. BINGAMAN, and Mr. HAGEL):

S. 689. A bill to amend the Safe Drinking Water Act to establish a program to provide assistance to small communities for use in carrying out

projects and activities necessary to achieve or maintain compliance with drinking water standards; to the Committee on Environment and Public Works.

Mr. DOMENICI. Mr. President, communities within the State of New Mexico and throughout the country will soon be faced with a costly situation that was not of their making. Beginning in 2006, Federal drinking water regulations established by the EPA will require substantial reductions in the amount of arsenic present in that water. Today the limit is 50 parts per billion in 2006 it will be 10 parts per billion. Arsenic is indeed a poison when ingested at high amounts. It is also naturally occurring in much of the groundwater throughout the nation. Indeed, in Albuquerque, NM, the natural levels of arsenic are around 13 parts per billion. This illustrates the problem that the new standards will create.

The bill that I introduce today recognizes that in some parts of America, the burden will be too great for some communities to bear.

The bill does the following: (1) finds that small communities may not have the resources to meet the new arsenic standards and that Federal programs are not in place to address the issue; (2) creates a grant program for many small communities to help upgrade their water systems; (3) ensures that not less than 20 percent of the grant monies go to communities with less than 50,000 residents; and (4) authorizes appropriations of \$1.9 billion for FY2006 and for each year through FY2011.

Let me tell you more about this problem. In New Mexico, the geology, the make up of the rocks and dirt, results in relatively high levels of arsenic in the groundwater. However, over time, New Mexico residents have not experienced higher levels of diseases associated with arsenic.

Be that as it may, the standard is in our future and many small communities throughout New Mexico and the west will not be able to meet the resulting financial burden. I am sure that if we have to fix our water plants to meet the EPA's new standards, some in villages of 100 people where they have a small water system and no other water source, it will create a significant financial burden. Because of this, I believe it is important to aid communities in meeting the coming standards.

The financial burden facing many communities and individuals is great. The new standards could cost New Mexico communities between \$370 million and \$440 million to improve treatment systems, plus \$18 million a year in operating costs. Albuquerque, NM, is looking at having to spend up to \$150 million to come into compliance; Rio Rancho is facing \$60 million in improvements. Many small communities in New Mexico and throughout the west are facing increases in their water

bills of \$50 to \$90 a month per individual. I need not say that most people cannot afford such an increase.

Most of the technologies needed for water systems to remain in compliance with the new requirements are advanced and will require a significant increase in the level of training and expertise of the public water system operators in New Mexico and throughout the Nation. This legislation will help these communities in upgrading their systems and training their people.

We are forcing communities to comply with drinking water standards that many believe will not increase public health. The least we can do is help them meet the burden.

I ask unanimous consent that my statement and the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 689

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Community Drinking Water Assistance Act".

#### SEC. 2. FINDINGS.

Congress finds that—

(1) drinking water standards proposed and in effect as of the date of enactment of this Act will place a large financial burden on many public water systems, especially those public water systems in rural communities serving small populations;

(2) the limited scientific, technical, and professional resources available in small communities complicate the implementation of regulatory requirements;

(3) small communities often cannot afford to meet water quality standards because of the expenses associated with upgrading public water systems and training personnel to operate and maintain the public water systems;

(4) small communities do not have a tax base for dealing with the costs of upgrading their public water systems;

(5) small communities face high per capita costs in improving drinking water quality;

(6) small communities would greatly benefit from a grant program designed to provide funding for water quality projects;

(7) as of the date of enactment of this Act, there is no Federal program in effect that adequately meets the needs of small, primarily rural communities with respect to public water systems; and

(8) since new, more protective arsenic drinking water standards proposed by the Clinton and Bush administrations, respectively, are expected to be implemented in 2006, the grant program established by the amendment made by this Act should be implemented in a manner that ensures that the implementation of those new standards is not delayed.

#### SEC. 3. ASSISTANCE FOR SMALL PUBLIC WATER SYSTEMS.

(a) DEFINITION OF INDIAN TRIBE.—Section 1401(14) of the Safe Drinking Water Act (42 U.S.C. 300f(14)) is amended in the second sentence by striking "1452," and inserting "1452 and part G,".

(b) ESTABLISHMENT OF PROGRAM.—The Safe Drinking Water Act (42 U.S.C. 300f et seq.) is amended by adding at the end the following:

#### "PART G—ASSISTANCE FOR SMALL PUBLIC WATER SYSTEMS

##### "SEC. 1471. DEFINITIONS.

"In this part:

"(1) ELIGIBLE ACTIVITY.—

"(A) IN GENERAL.—The term 'eligible activity' means a project or activity concerning a small public water system that is carried out by an eligible entity to comply with drinking water standards.

"(B) INCLUSIONS.—The term 'eligible activity' includes—

"(i) obtaining technical assistance; and

"(ii) training and certifying operators of small public water systems.

"(C) EXCLUSION.—The term 'eligible activity' does not include any project or activity to increase the population served by a small public water system, except to the extent that the Administrator determines such a project or activity to be necessary to—

"(i) achieve compliance with a national primary drinking water regulation; and

"(ii) provide a water supply to a population that, as of the date of enactment of this part, is not served by a safe public water system.

"(2) ELIGIBLE ENTITY.—The term 'eligible entity' means a small public water system that—

"(A) is located in a State or an area governed by an Indian Tribe; and

"(B)(i) if located in a State, serves a community that, under affordability criteria established by the State under section 1452(d)(3), is determined by the State to be—

"(I) a disadvantaged community; or

"(II) a community that may become a disadvantaged community as a result of carrying out an eligible activity; or

"(ii) if located in an area governed by an Indian Tribe, serves a community that is determined by the Administrator, under affordability criteria published by the Administrator under section 1452(d)(3) and in consultation with the Secretary, to be—

"(I) a disadvantaged community; or

"(II) a community that the Administrator expects to become a disadvantaged community as a result of carrying out an eligible activity.

"(3) PROGRAM.—The term 'Program' means the small public water assistance program established under section 1472(a).

"(4) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services, acting through the Director of the Indian Health Service.

"(5) SMALL PUBLIC WATER SYSTEM.—The term 'small public water system' means a public water system (including a community water system and a noncommunity water system) that serves—

"(A) a community with a population of not more than 200,000 individuals; or

"(B) a public water system located in—

"(i) Bernalillo or Sandoval County, New Mexico;

"(ii) Scottsdale, Arizona;

"(iii) Mesquite or Washoe County, Nevada; or

"(iv) El Paso County, Texas.

#### "SEC. 1472. SMALL PUBLIC WATER SYSTEM ASSISTANCE PROGRAM.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this part, the Administrator shall establish a program to provide grants to eligible entities for use in carrying out projects and activities to comply with drinking water standards.

"(2) PRIORITY.—Subject to paragraph (3), the Administrator shall award grants under the Program to eligible entities based on—

"(A) first, the financial need of the community for the grant assistance, as determined by the Administrator; and

"(B) second, with respect to the community in which the eligible entity is located, the per capita cost of complying with drinking water standards, as determined by the Administrator.

"(3) SMALL COMMUNITIES.—In making grants under this section, the Administrator shall ensure that not less than 20 percent of grant funds provided for each fiscal year are used to carry out eligible activities in communities with a population of less than 50,000 individuals.

"(b) APPLICATION PROCESS.—

"(1) IN GENERAL.—An eligible entity that seeks to receive a grant under the Program shall submit to the Administrator, on such form as the Administrator shall prescribe (not to exceed 3 pages in length), an application to receive the grant.

"(2) COMPONENTS.—The application shall include—

"(A) a description of the eligible activities for which the grant is needed;

"(B) a description of the efforts made by the eligible entity, as of the date of submission of the application, to comply with drinking water standards; and

"(C) any other information required to be included by the Administrator.

"(3) REVIEW AND APPROVAL OF APPLICATIONS.—

"(A) IN GENERAL.—On receipt of an application under paragraph (1), the Administrator shall forward the application to the Council.

"(B) APPROVAL OR DISAPPROVAL.—Not later than 90 days after receiving the recommendations of the Council under subsection (e) concerning an application, after taking into consideration the recommendations, the Administrator shall—

"(i) approve the application and award a grant to the applicant; or

"(ii) disapprove the application.

"(C) RESUBMISSION.—If the Administrator disapproves an application under subparagraph (B)(ii), the Administrator shall—

"(i) inform the applicant in writing of the disapproval (including the reasons for the disapproval); and

"(ii) provide to the applicant a deadline by which the applicant may revise and resubmit the application.

"(c) COST SHARING.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Federal share of the cost of carrying out an eligible activity using funds from a grant provided under the Program shall not exceed 90 percent.

"(2) WAIVER.—The Administrator may waive the requirement to pay the non-Federal share of the cost of carrying out an eligible activity using funds from a grant provided under the Program if the Administrator determines that an eligible entity is unable to pay, or would experience significant financial hardship if required to pay, the non-Federal share.

"(d) ENFORCEMENT AND IMPLEMENTATION OF STANDARDS.—

"(1) IN GENERAL.—Subject to paragraph (2), the Administrator shall not enforce any standard for drinking water under this Act (including a regulation promulgated under this Act) against an eligible entity during the period beginning on the date on which the eligible entity submits an application for a grant under the Program and ending, as applicable, on—

"(A) the deadline specified in subsection (b)(3)(C)(ii), if the application is disapproved and not resubmitted; or

"(B) the date that is 3 years after the date on which the eligible entity receives a grant under this part, if the application is approved.

"(2) ARSENIC STANDARDS.—No standard for arsenic in drinking water promulgated under this Act (including a standard in any regulation promulgated before the date of enactment of this part) shall be implemented or enforced by the Administrator in any State until the earlier of January 1, 2006 or such



date as the Administrator certifies to Congress that—

“(A) the Program has been implemented in the State; and

“(B) the State has made substantial progress, as determined by the Administrator in consultation with the Governor of the State, in complying with drinking water standards under this Act.

“(e) **ROLE OF COUNCIL.**—The Council shall—

“(1) review applications for grants from eligible entities received by the Administrator under subsection (b);

“(2) for each application, recommend to the Administrator whether the application should be approved or disapproved; and

“(3) take into consideration priority lists developed by States for the use of drinking water treatment revolving loan funds under section 1452.

**“SEC. 1473. AUTHORIZATION OF APPROPRIATIONS.**

“There is authorized to be appropriated to carry out this part \$1,900,000,000 for each of fiscal years 2006 through 2011.”.

By Mr. DOMENICI:

S. 690. A bill to amend the Transportation Equity Act for the 21st Century to provide for the Highway Trust Fund additional funding for Indian reservation roads, and for other purposes; to the Committee on Indian Affairs.

Mr. DOMENICI. Mr. President, I rise today to introduce the “American Indian Reservation Transportation Improvement Program Act.” This act will provide the people of Indian Country with the resources they need to upgrade their decaying road system.

In 1982, when I served on the Senate Environment and Public Works Committee, several members of the Navajo Nation Tribal Council Committee on Transportation approached me with an interesting proposition. These Navajo Councilmen believed the time had come for Indian tribes to participate directly in our National Highway Trust Fund programs.

I agreed with these gentlemen, the Senate agreed with me, and the Congress and President Reagan approved Indian tribal participation in the U.S. Department of Transportation highway construction program for the first time in our Nation’s history.

By the mid-1980s, Indian Reservation Roads, IRR, funding was at about \$100 million per year nationwide. By the late 1980s, however, IRR funding fell to about \$80 million per year. In the Intermodal Surface Transportation Efficiency Act, ISTEA, for the 1990s, we were able to raise this critical highway construction funding to about \$190 million per year.

Then, in TEA-21, The Transportation Equity Act for the 21st Century, we succeeded in bringing annual IRR funding up to \$275 million for fiscal years 1999 through 2003.

As we seek to promote economic opportunities on our Nation’s tribal reservations, I believe it is imperative that we once again increase this vital infrastructure funding. I am aware that many groups have advocated for much greater increases in funding for Indian Reservation Roads. While I am sympathetic to the need for such large

increases, I am keenly aware of competing needs around the country for medical research, economic stimulus, and for our national defense, to name just a few. Therefore, I am compelled to recommend increases for the IRR program that are more likely to win acceptance among my colleagues.

For highway construction, I am recommending an immediate increase of \$55 million in the first year to a new total of \$330 million. My bill would then increase the amount for construction by \$30 million each year so that the program receives \$480 million in the final year of the authorization. For the Indian bridge program, I am recommending \$15 million per year, an increase of \$6 million annually. And for state roads that serve as key bus routes for Indian children, primarily on our Nation’s largest Indian reservation—the Navajo Nation—I am recommending increasing this vital funding from \$1.5 million per year to \$3 million to retroactively fund fiscal years 2004 and 2005, to \$4 million in fiscal years 2006 and 2007, and \$5 million for fiscal years 2008 and 2009.

My final recommendation is to create a rural transit program for Indian reservations. Because the Federal Highway Administration and the Federal Transit Administration each have their areas of expertise that can make such a program a success, my legislation will require the two agencies to work together for the benefit of the tribes who participate in this program. My suggestion is to fund this program at \$20 million.

In closing, I thank the Navajo Nation Transportation Committee and the tribal transportation department for keeping me informed of their progress and continuing needs. I believe my bill will be a positive answer to their requests. In addition, the Pueblo Indians and Apache Indians of New Mexico have continuing development needs, including new and improved roads to reach their many attractions for tourists and other visitors.

I ask my colleagues to join me in increasing the Indian Reservation Roads program funds in our Federal highways programs to the degree I have requested in this bill. I thank my colleagues and urge their support for these increases as we reauthorize TEA-21 for 6 more years.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 690

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “American Indian Reservation Transportation Improvement Program Act”.

**SEC. 2. INDIAN RESERVATION ROADS.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Section 1101(a)(8)(A) of the Transportation

Equity Act for the 21st Century (112 Stat. 112) is amended by striking “of such title” and all that follows and inserting “of that title—

“(i) \$225,000,000 for fiscal year 1998;

“(ii) \$275,000,000 for each of fiscal years 1999 through 2003;

“(iii) \$330,000,000 for fiscal year 2004;

“(iv) \$360,000,000 for fiscal year 2005;

“(v) \$390,000,000 for fiscal year 2006;

“(vi) \$420,000,000 for fiscal year 2007;

“(vii) \$450,000,000 for fiscal year 2008; and

“(viii) \$480,000,000 for fiscal year 2009.”.

(b) **ADDITIONAL AUTHORIZATION OF CONTRACT AUTHORITY FOR STATES WITH INDIAN RESERVATIONS.**—Section 1214(d)(5)(A) of the Transportation Equity Act for the 21st Century (23 U.S.C. 202 note; 112 Stat. 206) is amended by inserting before the period at the end the following: “, \$3,000,000 for each of fiscal years 2004 and 2005, \$4,000,000 for each of fiscal years 2006 and 2007, and \$5,000,000 for each of fiscal years 2008 and 2009”.

(c) **INDIAN RESERVATION ROAD BRIDGES.**—Section 202(d)(4)(B) of title 23, United States Code, is amended—

(1) by striking “(B) RESERVATION.—Of the amounts” and all that follows through “to replace,” and inserting the following:

“(B) **FUNDING.**—

“(i) **RESERVATION OF FUNDS.**—Notwithstanding any other provision of law, there is authorized to be appropriated from the Highway Trust Fund \$15,000,000 for each of fiscal years 2004 through 2009 to carry out planning, design, engineering, preconstruction, construction, and inspection of projects to replace,”; and

(2) by adding at the end the following:

“(ii) **AVAILABILITY.**—Funds made available to carry out this subparagraph—

“(I) shall be available for obligation in the same manner as if the funds were apportioned under chapter 1; and

“(II) shall not be used to pay any administrative costs.”.

**SEC. 3. INDIAN RESERVATION RURAL TRANSIT PROGRAM.**

Section 5311 of title 49, United States Code, is amended by adding at the end the following:

“(k) **INDIAN RESERVATION RURAL TRANSIT PROGRAM.**—

“(1) **DEFINITIONS.**—In this subsection:

“(A) **INDIAN TRIBE.**—The term ‘Indian tribe’ has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

“(B) **RESERVATION.**—The term ‘reservation’ means—

“(i) an Indian reservation in existence as of the date of enactment of this subsection;

“(ii) a public domain Indian allotment; and

“(iii) an Indian reservation in the State of Oklahoma that existed at any time before, but is no longer in existence as of, the date of enactment of this subsection.

“(C) **SECRETARY.**—The term ‘Secretary’ means the Secretary of Transportation, acting through the Administrator of the Federal Highway Administration.

“(2) **PROGRAM.**—The Secretary shall establish and carry out a program to provide competitive grants to Indian tribes to establish rural transit programs on reservations or other land under the jurisdiction of the Indian tribes.

“(3) **COOPERATION.**—The Secretary shall—

“(A) establish and maintain intra-agency cooperation between the Federal Highway Administration and the Federal Transit Administration in—

“(i) administering tribal transit programs funded by the Federal Highway Administration; and

“(ii) exploring options for the transfer of funds from the Federal Highway Administration to the Federal Transit Administration

for the direct funding of tribal transit programs; and

“(B) establish and maintain working relationships with representatives of regional tribal technical assistance programs to ensure proper administration of ongoing and future tribal transit programs carried out using Federal funds.

“(4) FUNDING.—Notwithstanding any other provision of law, for each fiscal year, of the amount made available to carry out this section under section 5338 for the fiscal year, the Secretary shall use \$20,000,000 to carry out this subsection.”.

By Mr. DOMENICI:

S. 692. A bill to provide for the conveyance of certain public land in northwestern New Mexico by resolving a dispute associated with coal preference right lease interests on the land; to the Committee on Indian Affairs.

Mr. DOMENICI. Mr. President, I am pleased today to be introducing the Bisti PRLA Dispute Resolution Act of 2005, which will resolve a conflict regarding coal mining leases in New Mexico and which will confirm the completion of all Navajo Nation land selections in New Mexico under the Navajo-Hopi Settlement Act. Arch Coal Company and the Navajo Nation have been deadlocked within the Department of the Interior appeals process regarding certain preference right lease applications, PRLAs, in the Bisti region of northwestern New Mexico. When enacted, this legislation will resolve a complex set of issues arising from legal rights the Arch Coal Company acquired in Federal lands, which are now situated among lands which constitute tribal property and the allotments of members of the Navajo Nation. Both Arch Coal and the Navajo Nation support this legislation to resolve the situation in a manner that is mutually beneficial. In addition, this legislation will serve to mandate the completion of a longstanding set of land selections the Navajo Nation made under the Navajo-Hopi Settlement Act. In 1984 amendments to that act, Congress provided the Navajo Nation with its final opportunity, within 18 months of passage of the amendments, to select lands in New Mexico as provided in section 11 of the Navajo-Hopi Settlement Act. The Navajo Nation exercised its rights under the 1984 Amendments, but since has sought to review, revise, and seek to select other lands to the potential detriment of mineral lessees holding leases on Federal public lands near the Navajo reservation. This legislation would clarify Congress's intent that the nation no longer has land selection rights available to it in New Mexico under the Navajo-Hopi Settlement Act.

There are many reasons the solution embodied in this bill achieves broad benefits to the interested parties and the public. It will resolve a longstanding conflict between the Navajo Nation and Arch Coal and allow the Navajo Nation to complete the land selections in New Mexico that were made in the 1980s to promote tribal member resettlement following the partition of

lands in Arizona to the Hopi Tribe. Specifically, section 4(a)(1) will clarify and confirm that the Navajo Nation already has selected the lands to which it entitled under the Navajo-Hopi Settlement Act and has no further rights under that act to select lands in New Mexico other than those already selected by the Navajo Nation in the 1980s.

The bill also guarantees that Arch Coal, Inc. will be compensated for the economic value of its coal reserves. An independent panel will make recommendations to the Secretary of the Interior regarding the fair market value of the coal reserves, gives the company bidding rights, protects a State's financial interest in its share of Federal Mineral Leasing Act payments, and allows the Navajo Nation beneficial ownership in their lands.

The Secretary of the Interior will issue a certificate of bidding rights to Arch Coal upon relinquishment of its interests in the PRLAs. The amount of that certificate will equal the fair market value of the coal reserves as defined by the Department of the Interior's regulations. A panel consisting of representatives of the Department of the Interior, Arch Coal, and the Governors of Wyoming and New Mexico will help determine fair market value. While the Interior Department is authorized to exchange PRLAs for bidding rights, the Department has not done so, largely because of the difficulty it perceives in determining the fair market value of the coal reserves. The panel method in this legislation will promote the objectivity of that process.

Upon the relinquishment of the PRLAs and the issuance of a certificate of bidding rights, the Department of the Interior will execute patents to the Navajo Nation of the lands encompassed by the PRLAs. This is a win-win situation for all parties involved, is endorsed by the affected parties, and is a fair resolution to this ongoing problem.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 692

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Bisti PRLA Dispute Resolution Act”.

#### SEC. 2. WITHDRAWAL OF COAL PREFERENCE RIGHT LEASE APPLICATIONS.

(a) IN GENERAL.—Notwithstanding any other provision of law, if any of the coal preference right lease applications captioned NMNM 3752, NMNM 3753, NMNM 3754, NMNM 3755, NMNM 3835, NMNM 3837, NMNM 3918, NMNM 3919, NMNM 6802, NMNM 7235, and NMNM 8745 are withdrawn by the holder or holders of the applications, the Secretary of the Interior, acting through the Bureau of Land Management (referred to in this Act as the “Secretary”), shall issue under section 4(a)(2) to each such holder or holders a certificate of bidding rights (in such form and

manner as provided for under regulations promulgated by the Secretary under the Mineral Leasing Act (30 U.S.C. 181 et seq.)) that constitutes the combined fair market value, as determined under section 3, of the coal reserves for each coal preference right lease application withdrawn by the holder.

(b) RELINQUISHMENT.—The relinquishment of all rights associated with the coal preference lease applications withdrawn shall be effective on the date of the issuance of the certificate of bidding rights under section 4(a)(2).

(c) NO ADJUDICATION.—The withdrawals and issuances required under subsection (a) shall occur without any further adjudication of coal preference right lease applications by the Secretary.

#### SEC. 3. METHOD FOR DETERMINING FAIR MARKET VALUE.

(a) IN GENERAL.—Notwithstanding any other provision of law, this section shall apply to the issuance of a certificate of bidding rights under section 4(a)(2).

(b) VALUE OF COAL RESERVES.—

(1) IN GENERAL.—The fair market value of the coal reserves of any coal preference right lease application withdrawn under section 2(a) shall be determined by the panel established under paragraph (2).

(2) PANEL.—

(A) ESTABLISHMENT.—Not later than 30 days after the date of enactment of this Act, the Secretary shall establish a panel to determine the fair market value of the coal reserves of any coal preference right lease applications withdrawn under section 2(a).

(B) MEMBERSHIP.—The panel shall be composed of 3 representatives, of whom—

(i) 1 representative shall be appointed by the Secretary;

(ii) 1 representative shall be appointed by the holder of the preference right lease application; and

(iii) 1 representative shall be appointed by the Governor of the State of New Mexico.

(3) MINERAL APPRAISER.—The Secretary shall contract with a qualified coal reserve appraiser to assist the panel established under paragraph (2)(A) in determining the fair market value of a coal reserve.

(4) SUPPLEMENTAL INFORMATION.—In determining the fair market value of a coal reserve, the panel may supplement any information provided to the panel, as the panel determines to be appropriate.

(5) DETERMINATION.—Not later than 75 days after the date on which the panel is established under paragraph (2)(A), the panel shall submit to the Secretary the determination of the panel with respect to the fair market value of a coal reserve of any coal preference right lease application withdrawn by the holder.

#### SEC. 4. ISSUANCE OF BIDDING RIGHTS TO HOLDERS OF RELINQUISHED PREFERENCE RIGHT LEASE APPLICATIONS.

(a) IN GENERAL.—Notwithstanding any other provision of law, not later than 120 days after the withdrawal of a coal preference right lease application, the Secretary shall—

(1) accept the relinquishment of the rights associated with the coal preference right lease application; and

(2) issue a certificate of bidding rights in the amount of the fair market value determined under section 3.

(b) ENFORCEMENT.—The duties of the Secretary under this section shall be considered nondiscretionary and enforceable in a mandamus proceeding brought under section 1361 of title 28, United States Code.

#### SEC. 5. USE OF EXCHANGE BIDDING RIGHTS.

(a) IN GENERAL.—Notwithstanding any other provision of law—

(1) a certificate of bidding rights issued under section 4(a)(2) shall—

(A) be subject to such procedures as the Secretary may establish pertaining to notice of transfer and accountings of holders and their balances;

(B) be transferable by the holder or holders of the certificate of bidding rights in whole or in part; and

(C) constitute a monetary credit that, subject to paragraph (2), may be applied, at the election of the holder or holders of the certificate of bidding rights, against—

(i) rentals, advance royalties, or production royalties payable to the Secretary under Federal coal leases; and

(ii) bonus payments payable to the Secretary in the issuance of a Federal coal lease or Federal coal lease modification under the coal leasing provisions of the Mineral Leasing Act (30 U.S.C. 181 et seq.); and

(2) in a case in which a certificate of bidding rights issued under section 4(a)(2) is applied by the holder or holders of the certificate of bidding rights as a monetary credit against a payment obligation under a Federal coal lease, the holder or holders—

(A) may apply the bidding rights only against 50 percent of the amount payable under the lease; and

(B) shall pay the remaining 50 percent as provided for under the lease in cash or cash equivalent.

(b) **PAYMENT UNDER LEASE OBLIGATIONS.**—Any payment of a Federal coal lease obligation by the holder or holders of a certificate of bidding rights issued under section 4(a)(2)—

(1) shall be treated as money received under section 35 of the Mineral Leasing Act (30 U.S.C. 191); but

(2) shall be credited and redistributed by the Secretary only as follows:

(A) 50 percent of the amount paid in cash or its equivalent shall be—

(i) distributed to the State in which the lease is located; and

(ii) treated as a redistribution under section 35 of the Mineral Leasing Act (30 U.S.C. 191).

(B) 50 percent of the amount paid through a crediting of the bidding rights involved shall be treated as a payment that is subject to redistribution under that section to the Reclamation and Miscellaneous Receipts accounts in the Treasury.

By Mr. DOMENICI (for himself, Mr. NELSON of Florida, Mr. SANTORUM, Mr. ENSIGN, Mr. MARTINEZ, Mr. ALLEN, Mr. LIEBERMAN, Mr. LAUTENBERG, and Mr. BUNNING):

S. 691. A bill to modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names; to the Committee on the Judiciary.

Mr. DOMENICI. Mr. President, I rise today to introduce legislation that will protect U.S. trademarks and their legitimate owners from the effects of the confiscations decreed by the Cuban Government.

My colleagues and I believe in the fundamental principle that property rights must be respected and that it is wrong for governments to take property from individuals and companies, whether nationals or foreigners, without payment of prompt, adequate and effective compensation. We uphold the firmly established principle of our law

and public policy that foreign confiscatory measures must never be given effect on property situated in the United States.

When the Castro regime took power in Cuba, it engaged in a program of wholesale confiscation of property in Cuba, including property owned by Cuban nationals as well as by U.S. and other non-Cuban nationals. The Cuban Government also purported to extend the effects of the confiscation to property, such as trademarks, that the confiscation victims owned in other countries, and took other actions in an attempt to seize control of such assets.

To protect U.S. trademarks and their legitimate owners from the effects of the confiscations decreed by the Cuban government, Congress enacted Section 211 of H.R. 4328, PL 105-277, in 1998. This law, referred to as Section 211, prohibits enforcement of U.S. rights to trademarks confiscated by the Cuban Government, except with the consent of the legitimate owner. Section 211 simply made it clear that the universal U.S. policy against giving effect to foreign confiscations of U.S. property applies with equal force in the case of U.S. trademarks confiscated by Cuba.

Section 211 was challenged in the World Trade Organization, WTO, by the European Union, EU. In January 2002, the WTO appellate body finally resolved that challenge by finding in favor of the United States on all points except one. The appellate body made a narrow finding that, because Section 211 on its face does not apply to U.S. nationals, it is inconsistent with the national-treatment and most-favored-nation principles under the TRIPs Agreement. The appellate body fully supported the principle embodied in Section 211, that is, the non-recognition of uncompensated confiscations and the protection of intellectual property ownership rights. The revision required to broaden the application of Section 211 to include U.S. nationals amounts to no more than a minor, technical fix.

The legislation that I introduce today makes it clear that this well-founded law applies to all parties claiming rights in confiscated Cuban trademarks, regardless of nationality. Such a technical correction will satisfy the WTO ruling and prevent the EU from applying trade sanctions against the United States at the end of this year. Moreover, this legislation does three things: it maintains protection for original owners of confiscated Cuban trademarks; it applies to all people, regardless of nationality; and it clarifies that trademarks and trade names confiscated by the Cuban Government will not be recognized in the United States when the assertion is being made by someone who knew or had reason to know that the mark was confiscated.

This bill does not in any way decide which party owns a Cuban trademark in the U.S. nor does Section 211 prevent the Cuban Government or its various

entities from having access to our courts or from registering legitimate trademarks in the U.S. As long as the trademark was not confiscated, the Cuban Government can legally register any trademark it desires. Moreover, even if the Cuban Government stole a trademark in the 1960s, it can still register the trademark in the U.S. as long as the original owner has consented.

Once revised, Section 211 is consistent with all of our international treaty obligations including the Inter-American Convention on Trademarks. Article 3 of the Inter-American Convention expressly allows non-recognition of a trademark when such recognition would be contrary to the public order or public policy of the state in which recognition is sought. There is no doubt whatsoever that allowing title to U.S. property to be determined by a foreign confiscation violates U.S. public policy. Section 211 simply makes it clear that the universal U.S. policy against giving effect to foreign confiscations of U.S. property applies with equal force in the case of U.S. trademarks confiscated by Cuba. Nothing in any treaty or in international law is inconsistent with that rule of U.S. law.

I believe this piece of legislation is a simple technical corrections bill which will ensure that a fairly simple, but important, U.S. law is WTO-compliant.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 691

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### **SECTION 1. MODIFICATION OF PROHIBITION.**

Section 211 of the Department of Commerce and Related Agencies Appropriations Act, 1999 (as contained in section 101(b) of division A of Public Law 105-277; 112 Stat. 2681-88) is amended—

(1) in subsection (a)(2)—

(A) by striking “by a designated national”; and

(B) by inserting before the period “that was used in connection with a business or assets that were confiscated unless the original owner of the mark, trade name, or commercial name, or the bonafide successor-in-interest has expressly consented”;

(2) in subsection (b), by striking “by a designated national or its successor-in-interest”;

(3) by redesignating subsection (d) as subsection (e);

(4) by inserting after subsection (c) the following:

“(d) Subsections (a)(2) and (b) of this section shall apply only if the person or entity asserting the rights knew or had reason to know at the time when the person or entity acquired the rights asserted that the mark, trade name, or commercial name was the same as or substantially similar to a mark, trade name, or commercial name that was used in connection with a business or assets that were confiscated.”; and

(5) in subsection (e), as so redesignated, by striking “In this section:” and all that follows through “(2) The term” and inserting “In this section, the term”.

By Mr. CORNYN:

S. 693. A bill to provide for judicial review of national security letters issued to wire and electronic communications service providers; to the Committee on the Judiciary.

Mr. CORNYN. Mr. President, it has been nearly 4 years since the terrorist attacks of September 11, 2001. In the days, weeks, and months since that day, the American people have braced themselves for the possibility of another terrorist attack on our homeland. After all, we know all too well that al-Qaida is a stealthy, sophisticated, and patient enemy, and that its leadership is extremely motivated to launch another devastating attack on American soil and American citizens.

In fact, outside the United States, al-Qaida and affiliates of al-Qaida have continued to be enormously active, responsible for numerous terrorist attacks on foreign soil in the last few years:

2001 (Dec.): Man tried to detonate shoe bomb on flight from Paris to Miami.

2002 (April): Explosion at historic synagogue in Tunisia left 21 dead, including 14 German tourists.

2002 (May): Car exploded outside hotel in Karachi, Pakistan, killing 14, including 11 French citizens.

2002 (June): Bomb exploded outside American consulate in Karachi, Pakistan, killing 12.

2002 (Oct.): Boat crashed into oil tanker off Yemen coast, killing one.

2002 (Oct.): Nightclub bombings in Bali, Indonesia, killed 202, mostly Australian citizens.

2002 (Nov.): Suicide attack on a hotel in Mombasa, Kenya, killed 16.

2003 (May): Suicide bombers killed 34, including 8 Americans, at housing compounds for Westerners in Riyadh, Saudi Arabia.

2003 (May): Four bombs killed 33 people targeting Jewish, Spanish, and Belgian sites in Casablanca, Morocco.

2003 (Aug.): Suicide car-bomb killed 12, injured 150 at Marriott Hotel in Jakarta, Indonesia.

2003 (Nov.): Explosions rocked a Riyadh, Saudi Arabia housing compound, killing 17.

2003 (Nov.): Suicide car-bombers simultaneously attacked two synagogues in Istanbul, Turkey, killing 25 and injuring hundreds.

2003 (Nov.): Truck bombs detonated at London bank and British consulate in Istanbul, Turkey, killing 26.

2004 (March): Ten terrorists bombs exploded almost simultaneously during the morning rush hour in Madrid, Spain, killing 202 and injuring more than 1,400.

2004 (May): Terrorists attacked Saudi oil company offices in Khobar, Saudi Arabia, killing 22.

2004 (June): Terrorists kidnapped and executed American Paul Johnson, Jr., in Riyadh, Saudi Arabia.

2004 (Sept.): Car bomb outside the Australian embassy in Jakarta, Indonesia, killed nine.

2004 (Dec.): Terrorists enter the U.S. Consulate in Jiddah, Saudi Arabia, killing nine (including 4 attackers).

It is precisely because al-Qaida is so aggressive, so motivated, and so demonstrably hostile to America, that I am so grateful that, to date, al-Qaida still has not successfully launched another terrorist attack on our own soil. There are undoubtedly many reasons for this. First and foremost, I am profoundly thankful to the brave men and women of our Armed Forces, who fight the terrorists abroad so that we do not have to face them at home. I also firmly believe that our efforts to strengthen anti-terrorism and law enforcement tools right here at home have much to do with this record of success and peace in our homeland to date.

It is within this important context that a Senate Judiciary Committee hearing tomorrow morning will commence a new round of discussions about the USA PATRIOT Act. As I explained in an op-ed published in the Washington Times just this morning, I welcome that hearing, because the American people deserve an honest, responsible, and fair discussion to ensure that we are indeed fulfilling our dual responsibilities to protect national security and civil liberties alike.

Unfortunately, the debate about the USA PATRIOT Act has not always met that standard. Last fall, just weeks before the Presidential election, we even witnessed false reports in newspapers across the country that a Federal court had struck down parts of the act as unconstitutional. False reports and scare tactics serve no legitimate cause and greatly disserve the American people.

The war on terrorism must be fought aggressively but consistently with the protection of civil rights and civil liberties. Whenever real civil liberties problems do arise, we must learn about them right away, so that we can fix them swiftly.

It is for precisely this reason that I have long been concerned about false allegations of civil rights deprivations. Every false allegation undermines every true allegation, and that hurts us all. After all, scaring people about false civil rights deprivations unnecessarily divides our Nation and makes no one safer. If anything, false claims about civil liberties actually make it harder to monitor real civil liberties issues in the future—for the same reason that eventually no one listened to the fabled little boy who kept “crying wolf.”

After several weeks of negotiation, Congress in 2001 enacted the USA PATRIOT Act by overwhelming bipartisan margins—98–1 in the Senate and 357–66 in the House. At the time, Senators on both sides of the aisle agreed that the legislation had struck a careful and wise balance between national security and civil liberties.

The record continues to be strong to this day. As Senator DIANNE FEINSTEIN at a Senate Judiciary Committee oversight hearing during the last Congress, “I have never had a single abuse of the PATRIOT Act reported to me. My staff e-mailed the ACLU and asked them for instances of actual abuses. They e-mailed back and said they had none.”

The ACLU did allege in a press release last September that a Federal court had struck down parts of the USA PATRIOT Act—calling the decision “a landmark victory against the Ashcroft Justice Department.” See *Doe v. Ashcroft*, 334 F. Supp. 2d 471 (S.D.N.Y. 2004). The litigation is currently on appeal.

Newspapers across the country immediately repeated the ACLU’s message. But as legal experts immediately discovered, there were two important problems with the allegation: they were attacking the wrong person, and the wrong law.

In fact, the court had actually struck down a law authored by Senator PATRICK LEAHY during the 1980s. That statute balanced the national interest in protecting electronic communications privacy against the legitimate needs of national security, by establishing a procedure for obtaining electronic communications records in certain national security investigations through the use of so-called “national security letters.” The USA PATRIOT Act amended the law to make clear that such letters could be issued in terrorism investigations as well.

So the statute in question was written by LEAHY, not Ashcroft. And it was the Electronic Communications Privacy Act of 1986, not the USA PATRIOT Act in 2001. Indeed, the USA PATRIOT Act did not change a single word of any provision attacked by that court.

What’s more, in 1986, the ACLU endorsed the Electronic Communications Privacy Act. And shortly after that law was approved by the Senate on a voice vote and the House by unanimous consent, the chief legislative counsel of the ACLU called it a “significant advancement of privacy rights of citizens in the age of new communications technology.”

None of this stopped the ACLU in 2004, however, from charging that the court’s ruling was “the first to strike down any of the vast new surveillance powers authorized by the Patriot Act.”

The ACLU has since backed down and admitted that they had attacked the wrong law. As ACLU attorney Jameel Jaffer eventually conceded, “the provisions that we challenged and that the court objected to were in the statute before the Patriot Act was passed. We could have raised the same objections before the power was expanded.” Nevertheless, it hurts all of us whenever an allegation about civil liberties is discredited—because it makes it that much easier to ignore legitimate civil liberties problems that may arise in the future.

It’s also worth noting that the primary controversy in the litigation—whether judicial review is available to scrutinize the issuance of national security letters—was not actually disputed by the government. To the contrary, the Justice Department agreed that there should be judicial review. The court simply concluded that the

1986 law was not drafted with sufficient clarity to authorize such review.

Today, I introduce legislation to cure this technical defect, and to amend the Electronic Communications Privacy Act to make explicit the availability of judicial review to examine national security letters. The legislation is entitled the Electronic Communications Privacy Judicial Review and Improvement Act of 2005. I ask unanimous consent that the text of the legislation, as well as a section-by-section analysis of the legislation prepared by my office, be printed in the RECORD.

I hope that this legislation will be enacted in the same bipartisan spirit that put both the Electronic Communications Privacy Act and the USA PATRIOT Act on the books. And I hope that future discussions about the war on terrorism, civil liberties, and the USA PATRIOT Act will be honest, responsible, and fair.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 693

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “The Electronic Communications Privacy Judicial Review and Improvement Act of 2005”.

#### SEC. 2. JUDICIAL REVIEW.

(a) IN GENERAL.—Section 2709(a) of title 18, United States Code, is amended—

(1) by striking “A wire or electronic communication service provider” and inserting the following:

“(1) IN GENERAL.—A wire or electronic communication service provider”;

(2) by adding at the end the following:

“(2) JUDICIAL REVIEW.—A wire or electronic communication service provider who receives a request under subsection (b) may, at any time, seek a court order from an appropriate United States district court to modify or set aside the request. Any such motion shall state the grounds for challenging the request with particularity. The court may modify or set aside the request if compliance would be unreasonable or oppressive.”.

(b) NONDISCLOSURE.—Section 2709(c) of title 18, United States Code, is amended—

(1) by striking “No wire or electronic communication service provider” and inserting the following:

“(1) IN GENERAL.—No wire or electronic communication service provider”;

(2) by adding at the end the following:

“(2) JUDICIAL REVIEW.—A wire or electronic communication service provider who receives a request under subsection (b) may, at any time, seek a court order from an appropriate United States district court challenging the nondisclosure requirement under paragraph (1). Any such motion shall state the grounds for challenging the nondisclosure requirement with particularity.

“(3) STANDARD OF REVIEW.—The court may modify or set aside such a nondisclosure requirement if there is no reason to believe that disclosure may endanger the national security of the United States, interfere with a criminal, counterterrorism, or counterintelligence investigation, interfere with diplomatic relations, or endanger the life or physical safety of any person. In reviewing a nondisclosure requirement, the certification by the Government that the disclosure may endanger of the national security of the

United States or interfere with diplomatic relations shall be treated as conclusive unless the court finds that the certification was made in bad faith.”.

#### SEC. 3. ENFORCEMENT OF NATIONAL SECURITY LETTERS.

Section 2709(a) of title 18, United States Code, as amended by section 2(a), is further amended by adding at the end the following:

“(3) ENFORCEMENT OF REQUESTS.—The Attorney General may seek enforcement of a request under subsection (b) in an appropriate United States district court if a recipient refuses to comply with the request.”.

#### SEC. 4. DISCLOSURE OF INFORMATION.

(a) SECURE PROCEEDINGS.—Section 2709 of title 18, United States Code, as amended by sections 2 and 3, is further amended—

(1) in subsection (a), by adding at the end the following:

“(4) SECURE PROCEEDINGS.—The disclosure of information in any proceedings under this subsection may be limited consistent with the requirements of the Classified Information Procedures Act (18 U.S.C. App.)”; and

(2) in subsection (c), by adding at the end the following:

“(4) SECURE PROCEEDINGS.—The disclosure of information in any proceedings under this subsection may be limited consistent with the requirements of the Classified Information Procedures Act (18 U.S.C. App.)”.

(b) DISCLOSURE TO NECESSARY PERSONS.—Section 2709(c)(1) of title 18, United States Code, as amended by section 2(b)(1), is further amended—

(1) by inserting after “any person” the following: “, except for disclosure to an attorney to obtain legal advice regarding the request or to a persons to whom disclosure is necessary in order to comply with the request,”; and

(2) by adding at the end the following: “Any attorney or person whose assistance is necessary to comply with the request who is notified of the request also shall not disclose to any person that the Federal Bureau of Investigation has sought or obtained access to information or records under this section.”.

#### SECTION-BY-SECTION ANALYSIS

THE ELECTRONIC COMMUNICATIONS PRIVACY JUDICIAL REVIEW AND IMPROVEMENT ACT OF 2005

The Electronic Communications Privacy Act of 1986 strikes a balance between the important national interest in electronic communications privacy and the legitimate needs of national security and law enforcement. It generally forbids nonconsensual, unauthorized disclosures of private electronic communications by communications providers, while authorizing the Federal Bureau of Investigation to issue so-called “national security letters” under certain conditions in order to obtain certain kinds of communications records from such providers. The original 1986 law authorized national security letters in foreign counterintelligence investigations; section 505 of the USA PATRIOT Act amended the 1986 Act to explicitly permit the issuance of such letters in international terrorism investigations as well.

The 1986 Act was authored by U.S. Senator Patrick Leahy and approved by the Senate on a voice vote and the House by unanimous consent. It was endorsed by a number of organizations, including civil liberties and privacy advocates. The ACLU’s chief legislative counsel and director of its project on technology and privacy called the legislation a “significant advancement of privacy rights of citizens in the age of new communications technology,” according to a December 5, 1986 article in the Christian Science Monitor.

The national security letter provision of the Electronic Communications Privacy Act of 1986 has recently been challenged in fed-

eral court. During the course of the litigation, Justice Department attorneys agreed that there should be judicial review of national security letters, and argued that current law already provides for such review. Nevertheless, last September a federal district court in New York struck down the Electronic Communications Privacy Act as unconstitutional because it does not explicitly authorize judicial review. See *Doe v. Ashcroft*, 334 F. Supp. 2d 471 (S.D.N.Y. 2004). This litigation—which is currently on appeal—presents an important legal dispute concerning whether the Electronic Communications Privacy Act implicitly provides for judicial review of national security letters. It may be helpful for Congress to enact an explicit provision authorizing judicial review, to avoid any ambiguity and to provide clearer guidance to national security letter recipients and parties in litigation in the future.

Accordingly, the Electronic Communications Privacy Judicial Review and Improvement Act of 2005 responds to the *Doe v. Ashcroft* litigation by establishing an explicit judicial review provision for national security letters.

Section 1. Short title.

Section 2. Judicial review. This provision explicitly authorizes a recipient of a national security letter to seek judicial review in federal court to prevent enforcement of the letter. The provision states that a court may modify or set aside the national security letter if compliance would be unreasonable or oppressive—the same standard that governs grand jury subpoenas. See Federal Rule of Criminal Procedure 17(c)(2). Courts have made clear that, under this standard, requests must be relevant to the underlying investigation. See, e.g., *U.S. v. R. Enterprises Inc.*, 498 U.S. 292, 301 (1991) (requiring “reasonable possibility that the category of materials the Government seeks will produce information relevant to the general subject of the grand jury’s investigation”).

This provision also explicitly authorizes a recipient at any time to seek judicial review in federal court to set aside the nondisclosure requirement imposed by the original 1986 law. The 1986 Act forbids recipients from disclosing to any person that the FBI has issued the national security letter. This bill provides that a court may modify or set aside the nondisclosure requirement if there is no reason to believe that disclosure may endanger the national security of the United States, interfere with a criminal, counterterrorism, or counterintelligence investigation, interfere with diplomatic relations, or endanger the life or physical safety of any person. The provision also provides that, in reviewing a nondisclosure requirement, the certification by the Government that disclosure may endanger of the national security of the United States or interfere with diplomatic relations shall be treated as conclusive unless the court finds that the certification was made in bad faith.

Section 3. Enforcement of national security letters. This provision authorizes the Attorney General to seek enforcement of a national security letter in federal court if a recipient refuses to comply.

Section 4. Disclosure of information. This provision establishes that the judicial review proceedings established by this bill may be secured against disclosure pursuant to the provisions of the Classified Information Procedures Act.

This provision also makes clear that the nondisclosure requirement of the 1986 law does not forbid conversations with the recipient’s attorney to obtain legal advice regarding the request, nor does it forbid conversations with persons to whom disclosure would be necessary to comply with the request. All participants in such conversations

are forbidden from disclosing the existence of the national security letter, consistent with the requirements of the original 1986 law.

By Mr. COLEMAN:

S. 694. A bill to amend the Workforce Investment Act of 1998 to provide for a job training grant pilot program; to the Committee on Health, Education, Labor, and Pensions.

Mr. COLEMAN. Mr. President, I ask unanimous consent that the bill I introduce today be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 694

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. JOB TRAINING GRANT PILOT PROGRAM.

Section 171 of the Workforce Investment Act of 1998 (29 U.S.C. 2916) is amended by striking subsection (d) and inserting the following:

“(d) JOB TRAINING GRANT PILOT PROGRAM.—

“(1) IN GENERAL.—

“(A) GRANTS.—The Secretary shall provide grants to qualified job training programs as follows:

“(i) PLACEMENT GRANTS.—Grants in an amount to be determined by the Secretary shall be provided to qualified job training programs upon placement of a qualified graduate in qualifying employment.

“(ii) RETENTION GRANTS.—An additional grant in an amount to be determined by the Secretary shall be provided to qualified job training programs upon retention of a qualified graduate in qualifying employment for a period of 1 year.

“(B) DETERMINATION.—In determining the amount of the grants to be provided under subparagraph (A), the Secretary shall consider the economic benefit received by the Government from the employment of the qualified graduate, including increased tax revenue and decreased unemployment benefits or other support obligations.

“(2) QUALIFIED JOB TRAINING PROGRAM.—For purposes of this subsection, a qualified job training program is 1 that—

“(A) is operated by a nonprofit or for-profit entity, partnership, or joint venture formed under the laws of—

“(i) the United States or a territory of the United States;

“(ii) any State; or

“(iii) any county or locality;

“(B) offers education and training in—

“(i) basic skills, such as reading, writing, mathematics, information processing, and communications;

“(ii) technical skills, such as accounting, computers, printing, and machining;

“(iii) thinking skills, such as reasoning, creative thinking, decision making, and problem solving; and

“(iv) personal qualities, such as responsibility, self-esteem, self-management, honesty, and integrity;

“(C) provides income supplements when needed to eligible participants (defined for purposes of this paragraph as an individual who meets the criteria described in subparagraphs (A) through (C) of paragraph (3)) for housing, counseling, tuition, and other basic needs;

“(D) provides eligible participants with not less than 160 hours of instruction, assessment, or professional coaching; and

“(E) invests an average of \$10,000 in training per graduate of such program.

“(3) QUALIFIED GRADUATE.—For purposes of this subsection, a qualified graduate is an individual who is a graduate of a qualified job training program and who—

“(A) is 18 years of age or older;

“(B) had in either of the 2 preceding taxable years Federal adjusted gross income not exceeding the maximum income of a very low-income family (as defined in section 3(b)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(2))) for a single individual; and

“(C) has assets of not more than \$10,000, exclusive of the value of an owned homestead, indexed for inflation.

“(4) QUALIFYING EMPLOYMENT.—For purposes of this subsection, qualifying employment shall include any permanent job or employment paying annual wages of not less than \$18,000, and not less than \$10,000 more than the qualified graduate earned before receiving training from the qualified job training program.”.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 93—RELATIVE TO THE DEATH OF HOWELL T. HEFLIN, FORMER UNITED STATES SENATOR FOR THE STATE OF ALABAMA

Mr. REID (for himself, Mr. FRIST, Mr. SHELBY, and Mr. SESSIONS) submitted the following resolution; which was considered and agreed to:

S. RES. 93

Whereas Howell Heflin served as a United States Marine from 1942–1946 and was awarded the Silver Star for bravery;

Whereas Howell Heflin served as Chief Justice of the Alabama Supreme Court from 1971–1977;

Whereas Howell Heflin served the people of Alabama with distinction for 18 years in the United States Senate; and

Whereas Howell Heflin served the Senate as Chairman of the Select Committee on Ethics in the ninety-sixth and one hundredth to one hundred-second Congresses;

*Resolved*, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Howell T. Heflin, former member of the United States Senate.

*Resolved*, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

*Resolved*, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Howell T. Heflin.

#### SENATE RESOLUTION 94—HONORING POPE JOHN PAUL II

Mr. BROWNBACK (for himself, Mr. BUNNING, Mr. BURNS, Mr. CHAMBLISS, Mrs. CLINTON, Mr. CORNYN, Mr. DEMINT, Mr. DOMENICI, Mr. ENZI, Mr. GRASSLEY, Mr. KERRY, Mr. KOHL, Mr. MARTINEZ, Mr. THUNE, Mr. DURBIN, and Mr. NELSON of Nebraska) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 94

Whereas His Holiness, Pope John Paul II, was born Karol Jozef Wojtyla in Wadowice, Poland, on May 18, 1920, the youngest of 3 children, born to Karol Wojtyla and Emilia Kaczorowska;

Whereas Pope John Paul II personally suffered and experienced deprivation from an early age, losing his mother, eldest brother, and father before turning age 21;

Whereas Pope John Paul II found comfort and strength in the example of his father's faith, of whom he observed “after my mother's death, his life became one of constant prayer. Sometimes I would wake up during the night and find my father on his knees . . . his example was in a way my first seminary”;

Whereas, in 1939, Pope John Paul II was enrolled in Jagiellonian University in Cracow, which was closed by the Nazis during their occupation of Poland;

Whereas Pope John Paul II experienced the brutality of a godless totalitarian regime, which sought to eradicate the history and culture of a proud people and sent many of his professors, friends, and millions of Polish Jews to camps where they were systematically murdered;

Whereas, in 1942, Pope John Paul II was himself arrested by Nazi occupation forces, but his life was spared because of his employment at a limestone quarry, work deemed essential to the war effort;

Whereas Pope John Paul II courageously defied the Nazi occupation forces, risking his own life to protect Polish Jews from persecution, helping to organize the underground “Rhapsodic Theatre”, which he intended to be “a theatre . . . where the national spirit will burn”, writing two religious plays considered subversive to the Nazi regime, and enrolling in the clandestine seminary of Archbishop Sapieha of Cracow, where he studied religion, theology, and philosophy;

Whereas the Nazi occupation of Poland was ended only by the imposition of a Communist era of occupation that sought to subjugate Polish citizens, extinguish Polish nationalism, and subjected the exercise of individual religious liberty to the control of godless Stalinist rulers;

Whereas, in 1946, Pope John Paul II was ordained, later becoming a Professor of Ethics and Chaplain at the Catholic University of Lublin, the only Catholic university behind the Iron Curtain, where he, again at great personal risk, initiated activities that helped to preserve the intellectual, cultural, and historical richness of his homeland and protected the integrity and independence of the Catholic Church in Poland;

Whereas Pope John Paul II was an articulate and outspoken advocate for religious freedom and Christian humanism at Vatican Council II, asserting that the Church could not claim religious liberty for itself unless it was willing to concede it to others;

Whereas Pope John Paul II, upon returning to his homeland, frequently cited the Council's declaration that religious freedom was “the first of human rights”, a phrase embraced by Polish Catholics in their struggle against the hegemony of the Communist regime;

Whereas, on October 16, 1978, Pope John Paul II was elected the 264th Pope, making history by becoming the first-ever Slavic Pope and the first non-Italian Pope in more than 400 years;

Whereas Pope John Paul II served for over 26 years as Bishop of Rome and Supreme Pastor of the Catholic Church, and as the spiritual leader of more than 1,000,000,000 Catholic Christians around the world, including more than 66,000,000 Catholic Christians in the United States;

Whereas Pope John Paul II served the third-longest pontificate, behind only Saint Peter, who served as Pope for over 34 years, and Blessed Pius IX, who served for over 31 years;



Whereas Pope John Paul II was a unique, substantial, and historic catalyst in the demise of Soviet communism and the emancipation of hundreds of millions of people from totalitarian rule;

Whereas Pope John Paul II, in his inaugural sermon, boldly offered hope to oppressed peoples around the world while causing authoritarian rulers to brace by proclaiming "open the boundaries of states, economic and political systems, the vast fields of culture, civilization, and development. Do not be afraid.";

Whereas, in June 1979, Pope John Paul II returned to his native Poland for 9 days, unleashing patriotic and religious forces that would ultimately lead to the peaceful toppling of the Communist regime in Poland and the dramatic demise of the Warsaw Pact and the Soviet Union;

Whereas Pope John Paul II, before visiting his native Poland in 1987, met with President Ronald Reagan, who recognized the fruits of His Holiness' labors by stating "be assured that the hearts of the American people are with you. Our prayers will go with you in profound hope that the terrible burden of brave people everywhere who yearn for freedom, even as all men and women yearn for the freedom that God gave us all. . . . We see the power of the spiritual force in that troubled land, uniting a people in hope, just as we see the powerful stirrings in the East of a belief that will not die despite generations of oppression. . . . For despite all the attempts to extinguish it, the people's faith burns with a passionate heat: once allowed to breathe free, that faith will burn so brightly it will light the world.";

Whereas Pope John Paul II was recognized by Lady Margaret Thatcher to have "provided the main impetus for the revival of Solidarity and the pressure for reform [in his native Poland]";

Whereas Pope John Paul II was acknowledged by Mikhail Gorbachev to have played an essential role in the liberation of those who lived under European communism when he stated "everything that happened in Eastern Europe . . . would have been impossible without this Pope";

Whereas Pope John Paul II carried on an active correspondence with world leaders during the 1980s, involving the Church in efforts to promote peace by reducing tensions, and exerting his moral authority to persuade the superpowers to engage in a "dialogue" that succeeded in reducing conventional and nuclear weapons and helped to avert a nuclear war;

Whereas Pope John Paul II used public and private diplomacy and the power of moral persuasion to encourage world leaders to respect the inalienable rights of the human person;

Whereas, on May 13, 1981, Pope John Paul II, was shot by a would-be assassin, and nevertheless provided a remarkable example of the power of grace, later visiting his attacker in prison, and stating afterwards "I spoke to him as I would speak to a brother whom I have forgiven and who enjoys my confidence";

Whereas Pope John Paul II ministered to Catholic and non-Catholic alike, providing a personal example of grace, endurance, compassion, courage, sacrifice, and foresight;

Whereas Pope John Paul II sought to heal divisions between the Catholic Church and other Christian faiths, the Jewish faith, and Islam, expressing sadness and regret for the individual acts of present and former Catholics who persecuted members of other faiths and promoting reconciliation and dialogue through the first-ever Papal visits to synagogues and mosques, as well as visits to areas of historic conflict, including Ireland and the Holy Land;

Whereas, in 1995, Pope John Paul II wrote of "the incomparable worth of the human person," noting that: "Even in the midst of difficulties and uncertainties, every person sincerely open to truth and goodness can, by the light of reason and the hidden action of grace, come to recognize . . . the sacred value of human life . . . and can affirm the right of every human being to have this primary good respected to the highest degree";

Whereas, in 1998, Pope John Paul II visited Cuba to speak directly to the Cuban people and their Communist rulers, calling for political and religious freedom, the release of political prisoners, a recognition of the right to express one's faith "in the context of public life", and the importance of fundamental human dignities, including that "each person enjoying freedom of expression, being free to undertake initiatives and make proposals within civil society, and enjoying appropriate freedom of association" is a necessity;

Whereas Pope John Paul II traveled farther than any other Pope in history, traversing approximately ¾ of a million miles, visiting 130 countries, including African nations never before visited by a Pope, being seen by more people than anyone in human history, and evangelizing to more than 6,000,000 people in the closing mass of World Youth Day '95 in the Philippines;

Whereas Pope John Paul II changed the course of history, leading the Catholic Church through a dramatic and remarkable period, and into Christianity's third millennium;

Whereas Pope John Paul II devoted his life to the amelioration of the human cost of terror and oppression through his dedication to truth, forgiveness, and the development of a vibrant public moral culture;

Whereas Pope John Paul II articulated the importance of individual liberty being undergirded by a "moral order", embraced the poor and oppressed masses of the world, and encouraged governments and the faithful to attend to the needs of those who are less fortunate;

Whereas Pope John Paul II brought hope and inspiration to hundreds of millions of people around the world oppressed by tyranny, hunger, disease, and despair;

Whereas Pope John Paul II worked tirelessly to bring peace to regions of the world that have been driven by strife, intolerance, hatred, and violence for far too long;

Whereas Pope John Paul II changed the lives of billions of people across the globe;

Whereas Pope John Paul II died on April 2, 2005, after heroically proclaiming the value and dignity of human life through his long physical illness and suffering;

Whereas the passing of Pope John Paul II is mourned by billions of people around the world; and

Whereas Pope John Paul II is already being referred to as Pope John Paul the Great: Now, therefore, be it

*Resolved*, That the Senate—

(1) notes with deep sorrow and solemn mourning the death of His Holiness, Pope John Paul II;

(2) extends its heartfelt sympathy to all people who have been touched by the passing of John Paul II;

(3) commends Pope John Paul II for his ability to transcend the bounds of religion, race, and political thought, becoming a formidable champion, uniter, and defender in humanity's struggle for peace and basic human rights; and

(4) calls on all the people of the United States to reflect on the life and legacy of Pope John Paul II during this international period of remembrance.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 265. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was referred to the Committee on Appropriations.

### TEXT OF AMENDMENTS

**SA 265.** Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 1268, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, to ensure expeditious construction of the San Diego border fence, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. . PROHIBITION ON REDUCTION IN NUMBER OF OPERATIONAL AIRCRAFT CARRIERS OF THE NAVY.

(a) PROHIBITION.—No funds appropriated or otherwise made available by this Act, or by any other Act, for fiscal year 2005 may be obligated or expended to reduce the number of operational aircraft carriers of the Navy from 12 operational aircraft carriers to 11 operational aircraft carriers.

(b) OPERATIONAL AIRCRAFT CARRIER.—In this section, the term "operational aircraft carrier" includes an aircraft carrier that is unavailable due to maintenance or repair.

### NOTICES OF HEARINGS/MEETINGS

#### SUBCOMMITTEE ON NATIONAL PARKS

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that the Subcommittee on National Parks of the Committee on Energy and Natural Resources has scheduled a hearing to review management and planning issues for the National Mall, including the history of development, security projects and other planned construction, and future development plans.

The hearing will be held on Tuesday April 12th, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD-364 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please contact Tom Lillie at (202) 224-5161 or Brian Carlstrom at (202) 224-6293.

COMMITTEE ON ENERGY AND NATURAL  
RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing on developing a reliable supply of oil from domestic oil shale and oil sands resources has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, April 12, 2005, at 10 a.m., in Room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to discuss opportunities to advance technology that will facilitate environmentally friendly development of oil shale and oil sands resources. The hearing will address legislative and administrative actions necessary to provide incentives for industry investment, as well as explore concerns and experiences of other governments and organizations and the interests of industry.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150.

For further information, please contact Dick Bouts at (202) 224-7545 or Amy Millet at (202) 224-8276.

COMMITTEE ON INDIAN AFFAIRS

Mr. MCCAIN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Tuesday, April 5, 2005, at 9:30 a.m., in Room 562 of the Dirksen Senate Office Building to conduct a hearing on S. 113, a bill to modify the date as of which certain tribal land of the Lytton Rancheria of California is deemed to be held in trust.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

AUTHORITY FOR COMMITTEES TO  
MEET

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. CORNYN. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces of the Committee on Armed Services be authorized to meet during the session of the Senate on April 4, 2005 at 2 p.m., in open and closed session to receive testimony on strategic forces and nuclear weapons issues in review of the Defense Authorization Request for Fiscal Year 2006.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. FRIST. Mr. President, I ask unanimous consent that at 4:45 p.m., on

Tuesday, the Senate proceed to a vote on adoption of a resolution which is at the desk relating to the passing of Pope John Paul II.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I understand there is an announcement to be made.

CONGRESSIONAL BUDGET FOR  
THE UNITED STATES GOVERN-  
MENT FOR THE FISCAL YEAR  
2006

The PRESIDING OFFICER. Under the previous order, the Senate proceeds to the consideration of H. Con. Res. 95; all after the resolving clause is stricken; the text of S. Con. Res. 18, as agreed to by the Senate, is inserted in lieu thereof; H. Con. Res. 95, as amended, is agreed to. The Senate insists on its amendment and requests a conference with the House, and the Chair appoints Mr. GREGG, Mr. DOMENICI, Mr. GRASSLEY, Mr. ALLARD, Mr. CONRAD, Mr. SARBANES, and Mrs. MURRAY conferees on the part of the Senate.

The concurrent resolution (H. Con. Res. 95), as amended, was agreed to.

RELATING TO THE DEATH OF  
HOWELL T. HEFLIN, FORMER  
UNITED STATES SENATOR FOR  
THE STATE OF ALABAMA

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 93, submitted earlier today by Senator REID and others.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 93) relative to the death of Howell T. Heflin, former United States Senator for the State of Alabama.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table en bloc, and that any statements relating to this resolution be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 93) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 93

Whereas Howell Heflin served as a United States Marine from 1942-1946 and was awarded the Silver Star for bravery;

Whereas Howell Heflin served as Chief Justice of the Alabama Supreme Court from 1971-1977;

Whereas Howell Heflin served the people of Alabama with distinction for 18 years in the United States Senate; and

Whereas Howell Heflin served the Senate as Chairman of the Select Committee on

Ethics in the ninety-sixth and one hundred-second Congresses;

*Resolved*, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Howell T. Heflin, former member of the United States Senate.

*Resolved*, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

*Resolved*, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Howell T. Heflin.

ORDERS FOR TUESDAY, APRIL 5,  
2005

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, the Senate stand in adjournment until 9:45 a.m. on Tuesday, April 5. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then begin a period of morning business for up to 60 minutes, with the first 30 minutes under the control of the majority leader or his designee and the following 30 minutes under the control of the Democratic leader or his designee. I further ask unanimous consent that the Senate recess from 12:30 p.m. until 2:15 p.m. for the weekly party lunches.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, tomorrow the Senate will be in a period of morning business. We are working with the Democratic leadership to reach an agreement with respect to the State Department authorization bill. It is my hope and expectation we will be able to structure an orderly debate of this measure and begin its consideration early tomorrow.

In addition to the State Department authorization bill, we have a resolution relative to the passing of Pope John Paul II. We have just scheduled a vote on adoption of the resolution for 4:45 p.m. tomorrow, and that will be the first vote of the day.

I also remind everyone that tomorrow evening, after we have finished work on the State Department authorization, our two policy committees will have a debate on the issue of Social Security. This 70-minute debate will take place on the Senate floor, and I encourage all Members to listen to this important question-and-answer session.

We have a lot of work to do this week, and given the events scheduled at the Vatican, and President Yushchenko's address to Congress on Wednesday, we will need to make the most of our time. Rollcall votes will occur during tomorrow's session and throughout the remainder of the week as we try to complete work on the State Department authorization.

## ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order and in accordance with the provisions of S. Res. 93 as a further mark of respect for our former colleague, Senator Howell Heflin.

There being no objection, the Senate, at 7:17 p.m., adjourned until Tuesday, April 5, 2005, at 9:45 a.m.

## NOMINATIONS

Executive nominations received by the Senate April 4, 2005:

### DEPARTMENT OF DEFENSE

KENNETH J. KRIEG, OF VIRGINIA, TO BE UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS, VICE EDWARD C. ALDRIDGE, RESIGNED.

### DEPARTMENT OF COMMERCE

DAVID A. SAMPSON, OF TEXAS, TO BE DEPUTY SECRETARY OF COMMERCE, VICE THEODORE WILLIAM KASSINGER.

### NATIONAL TRANSPORTATION SAFETY BOARD

MARK V. ROSENKER, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM EXPIRING DECEMBER 31, 2010 (REAPPOINTMENT)

ELLEN G. ENGLEMAN CONNERS, OF INDIANA, TO BE CHAIRMAN OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR A TERM OF TWO YEARS. (REAPPOINTMENT)

### DEPARTMENT OF STATE

SEAN IAN MCCORMACK, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF STATE (PUBLIC AFFAIRS), VICE RICHARD A. BOUCHER.

### DEPARTMENT OF HEALTH AND HUMAN SERVICES

SUZANNE C. DEFRANCIS, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES, VICE KEVIN KEANE.

### CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

MICHAEL DOLAN, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2009, VICE MARC RACICOT, TERM EXPIRED.

ROBERT M. DUNCAN, OF KENTUCKY, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING JUNE 10, 2009, VICE JUANITA SIMS DOTY, TERM EXPIRED.

### DEPARTMENT OF HOMELAND SECURITY

PHILIP J. PERRY, OF VIRGINIA, TO BE GENERAL COUNSEL, DEPARTMENT OF HOMELAND SECURITY, VICE JOE D. WHITLEY, RESIGNED.

### EXECUTIVE OFFICE OF THE PRESIDENT

LINDA M. SPRINGER, OF PENNSYLVANIA, TO BE DIRECTOR OF THE OFFICE OF PERSONNEL MANAGEMENT FOR A TERM OF FOUR YEARS, VICE KAY COLES JAMES, RESIGNED.

### DEPARTMENT OF JUSTICE

RACHEL BRAND, OF IOWA, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE DANIEL J. BRYANT, RESIGNED.

ALICE S. FISHER, OF VIRGINIA, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE CHRISTOPHER R. WRAY.

REGINA B. SCHOFIELD, OF VIRGINIA, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE DEBORAH J. DANIELS.

### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### *To be lieutenant general*

LT. GEN. ARTHUR J. LICHTE, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### *To be lieutenant general*

MAJ. GEN. ROBERT D. BISHOP, JR., 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE

AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### *To be lieutenant general*

MAJ. GEN. CHRISTOPHER A. KELLY, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 8069:

#### *To be major general*

BRIG. GEN. MELISSA A. RANK, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

#### *To be brigadier general*

SALVATORE A. ANGELLELA, 0000

ANDREW E. BUSCH, 0000

ARTHUR B. CAMERON III, 0000

SUSAN Y. DESJARDINS, 0000

RICHARD T. DEVEREAUX, 0000

JUDITH A. FEDDER, 0000

ERIC E. FIEL, 0000

JONATHAN D. GEORGE, 0000

MARK W. GRAPER, 0000

BRADLEY A. HEITHOLD, 0000

SUSAN J. HELMS, 0000

PETER F. HOENE, 0000

DARRELL D. JONES, 0000

DUANE A. JONES, 0000

NOEL T. JONES, 0000

ROBERT C. KANE, 0000

STANLEY T. KRESGE, 0000

MICHAEL A. LONGORIA, 0000

CHARLES W. LYON, 0000

OTIS G. MANNON, 0000

SUSAN K. MASHIKO, 0000

DARREN W. MCDEW, 0000

CLYDE D. MOORE II, 0000

DOUGLAS H. OWENS, 0000

JOHN I. PRAY, JR., 0000

DAVID E. PRICE, 0000

PHILIP M. RUHLMAN, 0000

DAVID J. SCOTT, 0000

DANA A. SIMMONS, 0000

PAULA G. THORNHILL, 0000

SUZANNE M. VAUTRINOT, 0000

DAVID B. WARNER, 0000

LAURENCE L. WELLS, 0000

JANET C. WOLFENBARGER, 0000

DANIEL P. WOODWARD, 0000

SCOTT E. WUESTHOFF, 0000

### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### *To be general*

LT. GEN. WILLIAM S. WALLACE, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### *To be lieutenant general*

MAJ. GEN. DELL L. DAILEY, 0000

BRIGADIER GENERAL ABNER C. BLALOCK, JR., 0000

BRIGADIER GENERAL DAN M. COLGLAZIER, 0000

BRIGADIER GENERAL BRUCE E. DAVIS, 0000

BRIGADIER GENERAL JESSICA L. WRIGHT, 0000

#### *To be brigadier general*

COLONEL LOUIS A. ABBENANTE, 0000

COLONEL PETER M. AYLWARD, 0000

COLONEL JOHN E. DAVOREN, 0000

COLONEL JOSEPH B. DIBARTOLOMEO, 0000

COLONEL KEVIN G. ELLSWORTH, 0000

COLONEL BRUCE C. FRANSEN, 0000

COLONEL JOHN S. HARREL, 0000

COLONEL DUDLEY B. HODGES III, 0000

COLONEL DENNIS E. JACOBSON, 0000

COLONEL DAVID L. JENNETTE, JR., 0000

COLONEL CALVIN S. JOHNSON, 0000

COLONEL WILLIAM J. JOHNSON, 0000

COLONEL EDWARD A. LEACOCK, 0000

COLONEL HENRY C. MCCANN, 0000

COLONEL JOHN M. PERRYMAN, 0000

COLONEL JACKIE S. SWOPE, 0000

COLONEL RANDAL E. THOMAS, 0000

COLONEL LARRY W. TRIPHAHN, 0000

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

#### *To be major general*

BRIGADIER GENERAL JOHN P. BASILICA, JR., 0000

BRIGADIER GENERAL RICHARD M. BLUNT, 0000

BRIGADIER GENERAL DANNY H. HICKMAN, 0000

BRIGADIER GENERAL LAWRENCE F. LAFRENZ, 0000

BRIGADIER GENERAL MICHAEL B. PACE, 0000

BRIGADIER GENERAL GARY A. QUICK, 0000

BRIGADIER GENERAL GLENN K. RIETH, 0000

BRIGADIER GENERAL DONALD C. STORM, 0000  
BRIGADIER GENERAL ANTONIO J. VICENS-GONZALEZ, 0000  
BRIGADIER GENERAL WILLIAM H. WADE II, 0000  
BRIGADIER GENERAL RONALD G. YOUNG, 0000

#### *To be brigadier general*

COLONEL ROOSEVELT BARFIELD, 0000  
COLONEL FRANK E. BATTS, 0000  
COLONEL LAWRENCE W. BROCK III, 0000  
COLONEL DENNIS L. CELLETI, 0000  
COLONEL AUGUSTUS L. COLLINS, 0000  
COLONEL TERRY R. COUNCIL, 0000  
COLONEL LESTER D. EISNER, 0000  
COLONEL FRANCIS P. GONZALES, 0000  
COLONEL JOE L. HARKEY, 0000  
COLONEL GARY M. ISHIKAWA, 0000  
COLONEL ALBERTO J. JIMENEZ, 0000  
COLONEL FEDERICK J. JOHNSON, 0000  
COLONEL THOMAS H. KATKUS, 0000  
COLONEL RANDALL A. KOCHERSPERGER, 0000  
COLONEL DAVID A. LEWIS, 0000  
COLONEL MICHAEL R. LIECHTY, 0000  
COLONEL RANDY E. MANNER, 0000  
COLONEL JEFFERY E. MARSHALL, 0000  
COLONEL MABRY E. MARTIN, 0000  
COLONEL THOMAS D. MILLS, 0000  
COLONEL OLIN O. OEDEKOVEN, 0000  
COLONEL FREDRIC D. SHEPPARD, 0000  
COLONEL ROBERT J. UDLAND, 0000  
COLONEL FREDDIE R. WAGGONER, 0000

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

#### *To be major general*

BRIGADIER GENERAL JOHN E. BARNETTE, 0000  
BRIGADIER GENERAL WILLIARD C. BROADWATER, 0000  
BRIGADIER GENERAL DAVID P. BURFORD, 0000  
BRIGADIER GENERAL RONALD S. CHASTAIN, 0000  
BRIGADIER GENERAL STEPHEN D. COLLINS, 0000  
BRIGADIER GENERAL DALLAS W. FANNING, 0000  
BRIGADIER GENERAL JAMES E. FLETCHER, 0000  
BRIGADIER GENERAL TIMOTHY M. KENNEDY, 0000  
BRIGADIER GENERAL MITCHELL R. LECLAIRE, 0000  
BRIGADIER GENERAL JOHN W. LIBBY, 0000  
BRIGADIER GENERAL RANDALL D. MOSLEY, 0000  
BRIGADIER GENERAL CHARLES G. RODRIGUEZ, 0000  
BRIGADIER GENERAL PERRY G. SMITH, 0000  
BRIGADIER GENERAL WILLIAM D. WOFFORD, 0000  
BRIGADIER GENERAL EDWARD L. WRIGHT, 0000  
BRIGADIER GENERAL MARK E. ZIRKELBACH, 0000

#### *To be brigadier general*

COLONEL MARCELO R. BERGQUIST, 0000  
COLONEL BARBARANETTE T. BOLDEN, 0000  
COLONEL ELIZABETH A. BOURBEAU, 0000  
COLONEL ROBERT G. CARMICHAEL, JR., 0000  
COLONEL STEPHEN C. DABADIE, 0000  
COLONEL ROBERT J. FELDERMAN, 0000  
COLONEL BRIAN W. GOODWIN, 0000  
COLONEL JOHN L. GRONSKI, 0000  
COLONEL MATTHEW L. KAMBI, 0000  
COLONEL WILLIAM F. KUHN, 0000  
COLONEL GERALD E. LANG, 0000  
COLONEL ROBERT E. LIVINGSTON, JR., 0000  
COLONEL VERNON L. LOWREY, 0000  
COLONEL JOSE S. MAYORGA, 0000  
COLONEL MATTHEW A. MCCOY, 0000  
COLONEL TERRY W. SALTSMAN, 0000  
COLONEL JOYCE L. STEVENS, 0000  
COLONEL EDDY M. SPURGIN, 0000  
COLONEL CHARLES L. YRIARTE, 0000  
COLONEL GREGORY J. ZANETTI, 0000

### IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS ASSISTANT COMMANDANT OF THE MARINE CORPS, AND FOR APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 5044 AND 601:

#### *To be general*

LT. GEN. ROBERT MAGNUS, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### *To be lieutenant general*

MAJ. GEN. JOHN G. CASTELLAW, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### *To be lieutenant general*

MAJ. GEN. EMERSON N. GARDNER, JR., 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### *To be lieutenant general*

MAJ. GEN. JOSEPH F. WEBER, 0000

### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED

WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be vice admiral*

REAR ADM. JOHN D. STUFFLEBEEM, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be rear admiral*

REAR ADM. (LH) HENRY BALAM TOMLIN III, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be rear admiral*

REAR ADM. (LH) CRAIG O. McDONALD, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be rear admiral*

REAR ADM. (LH) BEN F. GAUMER, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be rear admiral*

REAR ADM. (LH) RAYMOND K. ALEXANDER, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be rear admiral*

REAR ADM. (LH) DAVID O. ANDERSON, 0000

REAR ADM. (LH) HUGO G. BLACKWOOD, 0000

REAR ADM. (LH) DIRK J. DEBBINK, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral (lower half)*

CAPT. MICHAEL D. HARDEE, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral (lower half)*

CAPT. TIMOTHY V. FLYNN III, 0000

CAPT. CHARLES H. GODDARD, 0000

CAPT. JOHN C. ORZALLI, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral (lower half)*

CAPTAIN WILLIAM R. BURKE, 0000

CAPTAIN NEVIN P. CARR, JR., 0000

CAPTAIN PHILIP H. CULLOM, 0000

CAPTAIN MARK I. FOX, 0000

CAPTAIN WILLIAM D. FRENCH, 0000

CAPTAIN MICHAEL S. FRICK, 0000

CAPTAIN TIMOTHY M. GIARDINA, 0000

CAPTAIN ROBERT S. HARWARD, JR., 0000

CAPTAIN WILLIAM H. HILARIDES, 0000

CAPTAIN DANIEL P. HOLLOWAY, 0000

CAPTAIN DOUGLAS J. MCANENY, 0000

CAPTAIN TERENCE E. MCKNIGHT, 0000

CAPTAIN DAVID J. MERCER, 0000

CAPTAIN JOHN W. MILLER, 0000

CAPTAIN MICHAEL S. OBRYAN, 0000

CAPTAIN FRANK C. PANDOLFE, 0000

CAPTAIN DAVID L. PHILMAN, 0000

CAPTAIN BRIAN C. PRINDLE, 0000

CAPTAIN DONALD P. QUINN, 0000

CAPTAIN WILLIAM E. SHANNON III, 0000

CAPTAIN JAMES A. SYMONDS, 0000

CAPTAIN STEPHEN S. VOETSCH, 0000

CAPTAIN JAMES P. WISECUP, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral (lower half)*

CAPT. TONY L. COTHRO, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral (lower half)*

CAPT. MOIRA N. FLANDERS, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral (lower half)*

CAPT. MICHAEL A. BROWN, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be rear admiral (lower half)*

CAPT. JULIUS S. CAESER, 0000

CAPT. WILLIAM P. LOEFFLER, 0000

CAPT. LEE J. METCALF, 0000

CAPT. GARLAND P. WRIGHT, JR., 0000

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASS STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS TWO, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

CHRISTINE ELDER, OF VIRGINIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

JOHN O. BALIAN, OF VIRGINIA

DEBORAH J. FAIRMAN, OF FLORIDA

ALMA R. GURSKI, OF TEXAS

CHANH TIET NGUYEN, OF VIRGINIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

B. BIX ALIU, OF ILLINOIS

ROBERT S. ALLISON, OF MISSOURI

EUGENE JOSEPH ARNOLD, OF MISSOURI

EUGENE BAE, OF KANSAS

PAUL R. BALDWIN, OF WASHINGTON

MARIETTA LOUISE BARTOLETTI, OF CALIFORNIA

KAREN REDDINGER BEL, OF LOUISIANA

RUTH BENNETT, OF FLORIDA

JANE ELLEN BOCKLAGE, OF TEXAS

CLAYTON ALAN BOND, OF THE DISTRICT OF COLUMBIA

STEPHANIE L. BOWERS, OF OHIO

CYNTHIA ANELA BROWN, OF CALIFORNIA

STEPHANIE A. BUNCE, OF VIRGINIA

SHARON LEE CARPER, OF VIRGINIA

RAYMOND A. CASTILLO, OF THE DISTRICT OF COLUMBIA

SHANNON NAGY CAZEAU, OF IDAHO

STEVEN CHAN, OF HAWAII

TIMOTHY L. CIPULLO, OF COLORADO

MICHAEL D. COLE, OF COLORADO

JANAE ELIZABETH COOLEY, OF MICHIGAN

KAREN N. COVERT, OF FLORIDA

LAURA GABRIELLE COWAN, OF TENNESSEE

TRICIA B. CYPHER, OF PENNSYLVANIA

CHRISTINE MARIE VITTORIA DAL BELLO, OF CALIFORNIA

JAMES R. DAYRINGER, OF MISSOURI

JESSIE DEBUSSCHERE, OF CALIFORNIA

CARON MARYLA JEAN EMERSON DE MARS, OF TEXAS

DANA DAVID DERE, OF ARKANSAS

MARGARET BRUMFIELD DIOP, OF CALIFORNIA

GREGORY P. DRAZEK, OF MARYLAND

MICHAEL L. DUNKLEY, SR., OF VIRGINIA

KATHLEEN MARIE EAGEN, OF THE DISTRICT OF COLUMBIA

SCOTT R. FAGAN, OF VIRGINIA

SHARON E. FEISER, OF FLORIDA

DAVID M. FORAN, OF CONNECTICUT

DANIELLE N. GARBE, OF WASHINGTON

KEITH RICHARD GILGES, OF FLORIDA

ALEX D. GREENSTEIN, OF THE DISTRICT OF COLUMBIA

MEGHAN GREGONIS, OF PENNSYLVANIA

SARAH L. GROEN, OF NEW HAMPSHIRE

HUGO A. GUEVARA, OF FLORIDA

RYAN D. HALEY, OF NEW HAMPSHIRE

TIM O'NILEE HALL III, OF SOUTH CAROLINA

MICHAEL HANKEY, OF THE DISTRICT OF COLUMBIA

PAUL QUENTIN HARRISON, OF TENNESSEE

MALIA V. HEROUX, OF FLORIDA

CATHERINE ELIZABETH HOLT, OF CALIFORNIA

MICHAEL DAVID HONIGSTEIN, OF FLORIDA

JOSHUA REUBEN HUCK, OF NEW YORK

JOAN E. KANE, OF CALIFORNIA

PAULINE A. KAO, OF WASHINGTON

KATHLEEN T. KERR, OF FLORIDA

ALLISON J. LEE, OF OHIO

ROSEMARY RAUSCH MACRAY, OF FLORIDA

PETER J. MARIGLIANO, OF VIRGINIA

DAVID JOSEPH MCGUIRE, OF TENNESSEE

ANDREW J. MCLEAN, OF OHIO

JOSEPH B. MELLOTT, OF THE DISTRICT OF COLUMBIA

BLANCA E. MENENDEZ, OF VIRGINIA

JOHN DAVID NYLIN, OF CALIFORNIA

DANIEL B. O'CONNOR, OF MARYLAND

ERIKA OLSON, OF WASHINGTON

RICHARD JOSEPH O'SHEA, OF NEW YORK

ANDREW HAK OU, OF CALIFORNIA

LEAH MICHELLE PEASE, OF CALIFORNIA

CALVIN DALE PETERSON, JR., OF WEST VIRGINIA

KATHARINE MONIQUE READ, OF CALIFORNIA

JEANETTE M. REBERT, OF FLORIDA

DANIEL MOSHE RENNA, OF NEW JERSEY

RYAN DEAN ROWLANDS, OF CALIFORNIA

ERIN E. RUPPRECHT, OF VIRGINIA

ANN MOFFETT RYAN, OF FLORIDA

DAVID M. SCHNIER, OF CALIFORNIA

KERRY ANN O'CONNOR SCHNIER, OF CALIFORNIA

MARK A. STAMILIO, OF VIRGINIA

MOLLY L. STEPHENSON, OF VIRGINIA

LINDA S. STIRLING, OF CALIFORNIA

ZEENAT MUNSHI SYED, OF TEXAS

ZIA SHAMIM SYED, OF TEXAS

ERIN YVONNE TARIOT, OF MASSACHUSETTS

ROBERT WARREN THOMAS, OF TEXAS

SHAWN L. WADDUPS, OF UTAH

NICOLE E. WEBER, OF NEW JERSEY

HARVEY A. WECHSLER, OF NEW YORK

STEVEN T. WESTON, OF VIRGINIA

TODD R. WHATLEY, OF TEXAS

JAMES B. WILLIAMS, OF ALABAMA

WILEY JACKSON WILLIAMS III, OF VIRGINIA

THOMAS W. WOLF, OF CONNECTICUT

MARK EDWARD WOOD, OF FLORIDA

SAMANTHA CARL YODER, OF NEW YORK

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OF-

FICERS OF THE CLASS STATED. FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

TODD B. AVERY, OF FLORIDA

DEPARTMENT OF STATE

ROBERT C. DE WITT, OF TEXAS

PATRICIA GASKILL, OF CALIFORNIA

JUDES E. STELLINGWERF, OF CALIFORNIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

JACK ANDERSON, OF MINNESOTA

MATTHEW C. AUSTIN, OF WASHINGTON

LANE DARNELL BAHL, OF CONNECTICUT

MARK D. BARON, OF CALIFORNIA

SUSAN E. BRIDENSTINE, OF IOWA

CLINTON S. BROWN, OF NEW YORK

AARON M. COPE, OF WASHINGTON

JONATHAN W. DUBLIN, OF WASHINGTON

CECELIA K. EL KHATIB, OF VIRGINIA

POLLY A. EMERICK, OF WASHINGTON

JOHN B. EMERY, OF MASSACHUSETTS

YARYNA N. FERENCCEVYCH, OF NEW JERSEY

JONATHAN PATRICK FLOSS, OF NEW YORK

RODNEY DELANEY FORD, OF TENNESSEE

JEFFREY GLEN GIAUQUE, OF UTAH

BRIAN MITCHELL GIBEL, OF NEW YORK

LARA KRISTEN HARRIS, OF ARIZONA

JEFFREY R. IZZO, OF NEW YORK

KIT ALLISON JUNGE, OF WASHINGTON

KRISTIN M. KANE, OF CALIFORNIA

JOHN O. KINDER, OF VIRGINIA

ROBERT TODD KOEPCKE, OF PENNSYLVANIA

ALEXEI T. KRAL, OF NEW YORK

PREM GANESH KUMAR, OF NEW YORK

CLARK DARROW LEDGER, OF NEVADA

LINDA BERYL LEE, OF OREGON

LESLIE C. LIVINGOOD, OF FLORIDA

BIRGITTA S. MATTINGLEY, OF VIRGINIA

MARK RICHARD NACHTRIEB, OF MARYLAND

ROBERT C. NEWSOME, OF VIRGINIA

MARIA CRISTINA NOVO, OF FLORIDA

VINCENT J. O'BRIEN, OF FLORIDA

LEYLA L. ONES, OF FLORIDA

JEFFREY CARL PATMORE, OF CALIFORNIA

MARISA LEIGH PLOWDEN, OF NEVADA

THOMAS E. REOTT, OF OHIO

MATTHEW SANDELANDS, OF CALIFORNIA

FATUMA YASSIN SANNBH, OF MICHIGAN

ELIZABETH N. SCHWEPFLER, OF FLORIDA

KAREN M. SMITH, OF UTAH

WILLIAM W. SULLIVAN, OF TEXAS

TIMOTHY DALE SWANSON, OF NEBRASKA

SARAH OLIVIA TAKATS, OF NEW YORK

WILLIAM R. TALIAFERRO, OF OREGON

ELIA E. TELLO, OF NORTH DAKOTA

SCOTT COOPER TURNER, OF WASHINGTON

SCOTT EUGENE URBOM, OF WASHINGTON

JOHN KOKE WATSON, OF VIRGINIA

GWENDOLYN SIEPERT WEBB, OF TEXAS

JOANNA ROSE WEINZ, OF CONNECTICUT

GREGORY S. WIEGAND, OF FLORIDA

L. KIRK WOLCOTT, OF WASHINGTON

ROBERT B. YOUNG, OF CALIFORNIA

MASON YU, OF WASHINGTON

ROGER PAUL LYRENMANN, OF MARYLAND  
JENNIFER L. MATTHEWS, OF VIRGINIA  
SHANNON MARIE MCDANIEL, OF VIRGINIA  
CHRISTINA JOHNSTON MCLEAN, OF VIRGINIA  
STEVEN A. RETTINGER, OF VIRGINIA  
AMY JO ROLLINS, OF VIRGINIA  
ANDREW J. ROTH, OF VIRGINIA  
TIMOTHY JAMES RUND, OF VIRGINIA  
DAVID D. SANTOS, OF VIRGINIA  
TERESA L. SCHAUER, OF VIRGINIA  
JOHN C. SIDEBOTTOM, OF VIRGINIA  
CHRISTIE R. SULLIVAN, OF VIRGINIA  
JARROD C. TISDELL, OF VIRGINIA  
GERARDO URTEAGA, OF VIRGINIA  
HUGUES JACQUES VERRIER, OF THE DISTRICT OF COLUMBIA  
SOPHIA C. WANG, OF VIRGINIA  
PETER K. WATTS, OF VIRGINIA  
JOHN P. YORRO, OF THE DISTRICT OF COLUMBIA

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASS STATED. FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS TWO, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

#### AGENCY FOR INTERNATIONAL DEVELOPMENT

MICHAEL HUTCHINSON, OF WASHINGTON  
ALICIA T. PEGUES, OF TEXAS  
NANCY TOOLAN, OF FLORIDA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

#### AGENCY FOR INTERNATIONAL DEVELOPMENT

MOHAMED K. ABDOU, OF CALIFORNIA  
HUGO A. JIMENEZ, OF VIRGINIA

#### DEPARTMENT OF STATE

DON DORRELL CURTIS, OF THE DISTRICT OF COLUMBIA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED: CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

#### DEPARTMENT OF COMMERCE

JEANNETTE L. CHU, OF VIRGINIA  
KENNETH C. DUCKWORTH, OF MARYLAND  
MARK C. ELLIOTT, OF THE DISTRICT OF COLUMBIA  
WILLIAM P. THORN, JR., OF VIRGINIA

#### DEPARTMENT OF STATE

ALYCE N. ABDALLA, OF NEW YORK  
MICHAEL A. AGUILERA, OF WASHINGTON  
DAVID CHRISTOPHER ALLEN, OF VIRGINIA  
CHRIS L. ANDINO, OF THE DISTRICT OF COLUMBIA  
ALFREDO ARCILA, OF VIRGINIA  
KERRI ANN ARDNER, OF VIRGINIA  
DANIEL JOHN ATHERTON, OF MARYLAND  
KARA E. AYLWARD, OF NEW JERSEY  
K. RICHARD BANGERTER, OF VIRGINIA  
MEGAN S. BARTHOLOMEW, OF NORTH CAROLINA  
ARTHUR J. BELL, OF CALIFORNIA  
ANDREW O. BENNETT, OF VIRGINIA  
KATHARINE E. BERNSOHN, OF THE DISTRICT OF COLUMBIA  
HILARY ELIZABETH BEVERAGE, OF VIRGINIA  
JENNIFER E. BLAND, OF VIRGINIA  
REBECCA M. BODEN, OF VIRGINIA  
CHRISTIAN J.H. BOLLINGER, OF VIRGINIA  
TAMERA A. BOWCUTT, OF VIRGINIA  
TRACYE M. BOYD, OF VIRGINIA  
WENDY S. BRAFMAN, OF SOUTH CAROLINA  
ERIC J. BRAZIER, OF VIRGINIA  
TIMOTHY M. BRYNS, OF VIRGINIA  
EDWARD ALLEN BURKHALTER III, OF VIRGINIA  
LEE A. CALKINS, OF WASHINGTON  
THERESA H. CANAVAN, OF VIRGINIA  
PAMELA CAPLIS, OF NEW YORK  
MARYLOU CARDELLI-SNYDER, OF VIRGINIA  
MARK P. CARR, OF THE DISTRICT OF COLUMBIA  
RANDY W. CARTWRIGHT, OF VIRGINIA

ANTONIA E. CASSARINO, OF VERMONT  
MARK A. CAUDILL, OF VIRGINIA  
SETH J. CAVANAUGH, OF THE DISTRICT OF COLUMBIA  
HUNTER B. CHEN, OF CALIFORNIA  
DIANNA NEESE CHIANIS, OF TEXAS  
CECILIA SUEGIN CHO, OF NEW JERSEY  
CORBIN TYLER COWLEY, OF VIRGINIA  
AMY COX, OF TEXAS  
LEARNED DEES, OF THE DISTRICT OF COLUMBIA  
JOHN LYNWOOD DENT, OF VIRGINIA  
DANIELA DIPIERRO, OF MASSACHUSETTS  
TIMOTHY PATRICK DOUGHERTY, OF CALIFORNIA  
DAVID J. DRINKARD, OF MISSOURI  
JOHN HOLMES DUNNE, OF ALASKA  
HEATHER GRACE EATON, OF CALIFORNIA  
TIMOTHY JOHN ENRIGHT, OF VIRGINIA  
ARTHUR THOMPSON EVANS, OF THE DISTRICT OF COLUMBIA  
MATTHEW ALEXANDER FERENCE, OF WASHINGTON  
BRIAN FERINDEN, OF FLORIDA  
ERIC M. FRATER, OF CALIFORNIA  
CHRISTOPHER J. FRIEDRICH, OF FLORIDA  
LILIANA GABRIEL, OF VIRGINIA  
MATTHEW J. GERARD, OF VIRGINIA  
LOYD F. GLENN III, OF VIRGINIA  
JOSHUA W. GOLDBERG, OF THE DISTRICT OF COLUMBIA  
DONNA Y. GOODWIN, OF VIRGINIA  
ALDEN GREENE, OF FLORIDA  
BRENT ERIC GREENFIELD, OF VIRGINIA  
ANANDA KRISTINA HAAS, OF VIRGINIA  
JOSHUA ALEKSANDR HARMAN, OF VIRGINIA  
JENNIFER DIANA HARRIS, OF COLORADO  
ROCHELLE L. HARRIS, OF THE DISTRICT OF COLUMBIA  
CHRIS HENSMAN, OF RHODE ISLAND  
JUSTIN HEUNG, OF THE DISTRICT OF COLUMBIA  
KELLI A. HOLDEN, OF NEW YORK  
NOEL P. JOHNSON, OF VIRGINIA  
CHRISTOPHER B. JOHNSTONE, OF VIRGINIA  
BRIAN E. JONES, OF VIRGINIA  
JACQUELINE SMITH JONES, OF PENNSYLVANIA  
VIVEK JOSHI, OF MASSACHUSETTS  
PETER KAUFMAN, OF THE DISTRICT OF COLUMBIA  
TIMOTHY KIEFER, OF WISCONSIN  
LAWRENCE JOHN KIMMEL, OF WASHINGTON  
KAKU KIMURA, OF VIRGINIA  
SCOTT LAVICTOR, OF MICHIGAN  
PETER H. LEE, OF CALIFORNIA  
DEBORAH BERNIS LINGWOOD, OF FLORIDA  
JEFFREY T. LODERMEIER, OF MINNESOTA  
ELIZABETH C. MACKENZIE BIEDELL, OF VIRGINIA  
HONG-GEOK T. MAERKLE, OF CALIFORNIA  
MARCEL E. MARTINEZ, OF VIRGINIA  
JIMMY RAY MAULDIN, OF ALABAMA  
WHITNEY L. MCCRAY, OF MARYLAND  
BRIAN DALE MCCUEN, OF VIRGINIA  
CAROLYN K. MCCULLOUGH, OF CALIFORNIA  
JULIE S. MCGUINNESS, OF VIRGINIA  
ROSANNA M. MINCHEW, OF VIRGINIA  
SUMREEN MIRZA, OF CALIFORNIA  
GLADYS ANGEL MOREAU, OF CALIFORNIA  
STEPHANIE FORMAN MORIMURA, OF NEW YORK  
KATRINA SARAH MOSSER, OF MINNESOTA  
CARLA T. NADEAU, OF THE DISTRICT OF COLUMBIA  
NANCY P. NELSON, OF VIRGINIA  
KEVIN HARRIS O'CONNOR, OF CALIFORNIA  
ELLEN E. O'NEILL, OF VIRGINIA  
SPENCER PACKER, OF VIRGINIA  
ANTHONY R. PAGLIAI, OF FLORIDA  
DAVID THOMAS PARADISE, OF ILLINOIS  
BINDI K. PATEL, OF THE DISTRICT OF COLUMBIA  
SANDEEP K. PAUL, OF MASSACHUSETTS  
SARAH CATHERINE PECK, OF MASSACHUSETTS  
JOHN A. PEREZ, OF VIRGINIA  
ADAM W. PERIN, OF VIRGINIA  
DANIEL M. PERRY, OF NEW YORK  
ROBERT W. PIEHEL, OF MARYLAND  
DOUGLAS L. POPOVICH, OF VIRGINIA  
MICHAEL D. QUINLAN, OF HAWAII  
IDRIS A. RAHIMI, OF VIRGINIA  
AROOSHA Z. RANA, OF NEW YORK  
BRIAN A. RANDALL, OF IOWA  
SEAN G. REILLY, OF VIRGINIA  
MELISSA G. RHODES, OF VIRGINIA  
BRADLY J. ROBERSON, OF CALIFORNIA  
BRADY ROBERTS, OF THE DISTRICT OF COLUMBIA  
NELL ELIZABETH ROBINSON, OF CONNECTICUT  
CHARLES WILSON RUARK III, OF GEORGIA  
ALEXIS DIANNE SATHER, OF VIRGINIA

MARY F. SATTAZAHN, OF VIRGINIA  
STEPHANIE L. SCHAECKERMANN, OF VIRGINIA  
GARY E. SCHAEFFER, OF COLORADO  
MATTHEW B. SCOTT, OF VIRGINIA  
TRENT P. SEAGER, OF VIRGINIA  
JEFFRY D. SEALS, OF VIRGINIA  
SARAH FAKHRI SHABBI, OF GEORGIA  
CHRISTOPHER SHAY, OF CALIFORNIA  
JASON W. SHEETS, OF CALIFORNIA  
JOAN B. SIEGEL, OF MARYLAND  
JON R. SIKORSKI, OF VIRGINIA  
ANDREW LEWIS SISK, OF NORTH CAROLINA  
TYLER K. SPARKS, OF ILLINOIS  
BROOKE PATIENCE SPELMAN, OF VIRGINIA  
EDWARD M. SPRINGER, JR., OF MARYLAND  
RAYMOND W. STEPHENS III, OF NEW YORK  
CHARLES STEYER, OF FLORIDA  
ADAM C. STONE, OF THE DISTRICT OF COLUMBIA  
CAROLYN J. STURLEY, OF VIRGINIA  
UYEN TANG, OF PENNSYLVANIA  
TARA M. TELESHA, OF VIRGINIA  
DAISON V. THOMAS, OF THE DISTRICT OF COLUMBIA  
VIKI D. THOMSON, OF ILLINOIS  
ROBERT A. TOLLEY, OF VIRGINIA  
JOAQUIN TRUJILLO, TRUJILLO, PH.D., OF VIRGINIA  
N. PAULA TURNERY, OF VIRGINIA  
ELEANOR J. TYLER, OF ILLINOIS  
PAUL M. VALDEZ, OF TEXAS  
STEVE VALENTIN, OF VIRGINIA  
MARY F. VALENTINO, OF THE DISTRICT OF COLUMBIA  
NAOMI JOYCE WALCOTT, OF MARYLAND  
JOHN WILLIAM WHITELEY, OF ILLINOIS  
ERIC C. WHITTINGTON, OF VIRGINIA  
BROOKE LEANNE WILLIAMS, OF CALIFORNIA  
ELISE E. WILLIAMSON, OF VIRGINIA  
DAVID R. WILLIS, OF VIRGINIA  
KEITH M. WOODWELL, OF VIRGINIA  
WILLIE FITZGERALD WRIGHT, OF VIRGINIA  
ANDREW P. YEATMAN, OF VIRGINIA  
MATTHEW BRANDT YOUNGER, OF OREGON  
MARIE ZULUETA, OF VIRGINIA

#### NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SUBJECT TO QUALIFICATIONS PROVIDED BY LAW, THE FOLLOWING FOR PERMANENT APPOINTMENT TO THE GRADES INDICATED IN THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION:

#### *To be lieutenant*

PAUL ANDREW KUNICKI

#### *To be lieutenant junior grade*

PAUL WAYNE KEMP

#### *To be ensign*

REBECCA J. ALMEIDA  
AMY B. COX  
JONATHAN R. FRENCH  
MICHAEL O. GONSALVES  
SAMUEL F. GREENAWAY  
TRACY L. HAMBURGER  
PAUL S. HEMMICK  
OLIVIA A. HAUSER  
MATTHEW J. JASKOSKI  
STEPHEN C. KUZIRIAN  
DANIEL E. ORR  
TONY PERRY III  
LINDSEY M. VANDENBERG

### WITHDRAWAL

Executive Message transmitted by the President to the Senate on April 4, 2005 withdrawing from further Senate consideration the following nomination:

CLAUDE M. KICKLIGHTER, OF GEORGIA, TO BE A MEMBER OF THE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION, WHICH WAS SENT TO THE SENATE ON MARCH 15, 2005.

# EXTENSIONS OF REMARKS

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, April 5, 2005 may be found in the Daily Digest of today's RECORD.

## MEETINGS SCHEDULED

### APRIL 6

9:15 a.m.

#### Agriculture, Nutrition, and Forestry

To hold hearings to examine the nomination of Charles F. Conner, of Indiana, to be Deputy Secretary of Agriculture. SR-336

9:30 a.m.

#### Banking, Housing, and Urban Affairs

To hold hearings to examine regulatory reform of the Government-Sponsored Enterprises. SD-538

#### Appropriations

##### Defense Subcommittee

To hold hearings to examine the proposed budget estimates for fiscal year 2006 for the Air Force. SD-192

#### Environment and Public Works

To hold hearings to examine the nominations of Stephen L. Johnson, of Maryland, to be Administrator of the Environmental Protection Agency, Luis Luna, of Maryland, to be an Assistant Administrator of the Environmental Protection Agency for Administration and Resource Management, John Paul Woodley, Jr., of Virginia, to be an Assistant Secretary of the Army for Civil Works, Major General Don T. Riley, United States Army, to be a Member and President of the Mississippi River Commission, Brigadier General William T. Grisoli, United States Army, to be a Member of the Mississippi River Commission, D. Michael Rappoport, of Arizona, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation, and Michael Butler, of Tennessee, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation. SD-406

#### Health, Education, Labor, and Pensions

To hold hearings to examine health care provided to non-ambulatory persons. SD-562

#### Appropriations

##### Labor, Health and Human Services, and Education Subcommittee

To hold hearings to examine the proposed budget estimates for fiscal year 2006 for the National Institutes of Health. SD-124

#### Armed Services

##### Readiness and Management Support Subcommittee

To hold hearings to examine military installation programs in review of the Defense Authorization Request for fiscal year 2006. SR-232A

10 a.m.

#### Energy and Natural Resources

To hold hearings to examine the nomination of David Garman, of Virginia, to be Under Secretary of Energy. SD-366

2 p.m.

#### Appropriations

Business meeting to markup the Emergency Supplemental bill for fiscal year 2005. SD-106

2:30 p.m.

#### Armed Services

##### Airland Subcommittee

To hold hearings to examine tactical aviation programs in review of the Defense Authorization request for fiscal year 2006. SR-232A

#### Commission on Security and Cooperation in Europe

To hold hearings to examine the efforts of the Chabad community and the U.S. Government to recover the "Schneerson Collection" of Jewish books and manuscripts from the Russian Government. SH-216

### APRIL 7

9:30 a.m.

#### Foreign Relations

To hold hearings to examine the nominations of John Robert Bolton, of Maryland, to be U.S. Representative to United Nations, with the rank and status of Ambassador and U.S. Representative in the Security Council of the United Nations, and Representative to the Sessions of the General Assembly of the United Nations during his tenure of service as Representative of the United States of America to the United Nations. SH-216

#### Judiciary

Business meeting to consider S. 378, to make it a criminal act to willfully use a weapon with the intent to cause death or serious bodily injury to any person while on board a passenger vessel, S. 119, to provide for the protection of unaccompanied alien children, S. 629, to amend chapter 97 of title 18, United States Code, relating to protecting against attacks on railroads and other mass transportation systems, and the nominations of Terrence

W. Boyle, of North Carolina, to be United States Circuit Judge for the Fourth Circuit, Priscilla Richman Owen, of Texas, to be United States Circuit Judge for the Fifth Circuit, Robert J. Conrad, Jr., to be United States District Judge for the Western District of North Carolina, James C. Dever III, to be United States District Judge for the Eastern District of North Carolina, and Thomas B. Griffith, of Utah, to be United States Circuit Judge for the District of Columbia Circuit. SD-226

#### Appropriations

##### Transportation, Treasury and General Government Subcommittee

To hold hearings to examine the proposed budget estimates for fiscal year 2006 for the Internal Revenue Service. SD-138

10 a.m.

#### Banking, Housing, and Urban Affairs

To continue hearings to examine regulatory reform of the Government-Sponsored Enterprises. SD-538

#### Health, Education, Labor, and Pensions

To hold hearings to examine the future viability of the U.S. Postal Service. SD-342

#### Homeland Security and Governmental Affairs

To hold hearings to examine the ongoing need for comprehensive postal reform. SD-342

#### Veterans' Affairs

To hold hearings to examine the nomination of Jonathan Brian Perlin, of Maryland, to be Under Secretary of Veterans Affairs for Health. SR-418

1 p.m.

#### Commission on Security and Cooperation in Europe

To hold hearings to examine the recent revolution in Kyrgyzstan and the prospects now for consolidating democracy, focusing on the implications for Central Asia, Belarus, Russia and the United States. SD-406

2 p.m.

#### Commerce, Science, and Transportation

To hold hearings to examine the President's proposed budget request for fiscal year 2006 for the Department of Homeland Security's Transportation Security Administration and related programs. SR-253

#### Appropriations

##### Energy and Water Subcommittee

To hold hearings to examine the proposed budget estimates for fiscal year 2006 for the Corps of Engineers and the Bureau of Reclamation. SD-138

2:30 p.m.

#### Homeland Security and Governmental Affairs

Business meeting to consider S. 21, to provide for homeland security grant coordination and simplification, S. 335, to reauthorize the Congressional Award Act, S. 494, to amend chapter 23 of title 5, United States Code, to clarify

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, S. 501, to provide a site for the National Women's History Museum in the District of Columbia, and certain committee reports. SD-342

#### Judiciary

To hold hearings to examine the patent system today and tomorrow. SD-226

#### Armed Services

##### Strategic Forces Subcommittee

To hold hearings to examine Ballistic Missile Defense Programs in review of the Defense Authorization Request for fiscal year 2006. SR-222

#### APRIL 11

2 p.m.

##### Commerce, Science, and Transportation

To hold hearings to examine S. 241, to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act. SR-385

#### APRIL 12

9:30 a.m.

##### Foreign Relations

To hold hearings to examine U.S. agricultural sales to Cuba. SD-419

10 a.m.

##### Energy and Natural Resources

To hold hearings to examine developing a reliable supply of oil from domestic oil shale and oil sands resources, focusing on opportunities to advance technology that will facilitate environmentally friendly development of oil shale and oil sands resources. SD-366

2:30 p.m.

##### Energy and Natural Resources

##### National Parks Subcommittee

To hold hearings to examine management and planning issues for the National Mall, including the history of the development, security projects and other planned construction, and future development plans. SD-366

#### Armed Services

##### SeaPower Subcommittee

To hold closed hearings to examine Navy shipbuilding and industrial base status in review of the Defense Authorization

Request for fiscal year 2006; to be followed by an open hearing in SR-232A. SR-222

#### APRIL 13

9:30 a.m.

##### Foreign Relations

To hold hearings to examine the nominations of Daniel Fried, of the District of Columbia, to be an Assistant Secretary of State for European Affairs, and Robert Joseph, of Virginia, to be Under Secretary of State for Arms Control and International Security. SD-419

##### Indian Affairs

To hold oversight hearings to examine Indian Health. SR-485

##### Judiciary

To hold hearings to examine securing electronic personal data, focusing on striking a balance between privacy and commercial and governmental use. SD-226

10 a.m.

##### Small Business and Entrepreneurship

To hold hearings to examine the small business health care crisis focusing on alternatives for lowering costs and covering the uninsured. SR-428A

#### APRIL 14

10 a.m.

##### Veterans' Affairs

To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentations of the Military Officers Association of America, the National Association of State Director of Veterans Affairs, AMVETS, the American Ex-Prisoners of War, and Vietnam Veterans of America. 345 CHOB

#### APRIL 19

10 a.m.

##### Foreign Relations

To hold hearings to examine the Near East and South Asian experience relating to combating terrorism through education. SD-419

#### APRIL 20

2 p.m.

##### Armed Services

##### Readiness and Management Support Subcommittee

To hold hearings to examine the readiness of military units deployed in support of Operation Iraqi Freedom and Operation Enduring Freedom in review of the Defense Authorization Request for fiscal year 2006. SR-222

#### APRIL 21

9:30 a.m.

##### Foreign Relations

To hold hearings to examine the anti-corruption strategies of the African Development Bank, Asian Development Bank and European Bank on Reconstruction and Development. SD-419

10 a.m.

##### Veterans' Affairs

To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentations of the Fleet Reserve Association, the Air Force Sergeants Association, the Retired Enlisted Association, and the Gold Star Wives of America. 345 CHOB

#### APRIL 27

9:30 a.m.

##### Indian Affairs

To hold oversight hearings to examine regulation of Indian gaming. SR-485

#### APRIL 28

10 a.m.

##### Foreign Relations

To hold hearings to examine U.S. Assistance to Sudan and the Darfur Crisis. SH-216

#### MAY 11

9:30 a.m.

##### Judiciary

To hold an oversight hearing to examine the Federal Bureau of Investigation's translation program. SD-226

#### SEPTEMBER 20

10 a.m.

##### Veterans' Affairs

To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentation of the American Legion. 345 CHOB

#### POSTPONEMENTS

#### APRIL 6

2 p.m.

##### Foreign Relations

To hold hearings to examine North American Border Security. SD-419

2:30 p.m.

##### Judiciary

##### Immigration, Border Security and Citizenship Subcommittee

To hold hearings to examine strengthening interior enforcement, focusing on deportation and related issues. SD-226

# Daily Digest

## HIGHLIGHTS

See Résumé of Congressional Activity.

## Senate

### Chamber Action

#### *Routine Proceedings, pages S3113–S3161*

**Measures Introduced:** Eight bills and two resolutions were introduced, as follows: S. 688–695, S. Res. 93–94. **Page S3147**

#### **Measures Reported:**

Received on Wednesday, March 30, during the adjournment:

Special Report entitled “Activities of the Committee on Finance of the United States Senate during the 108th Congress”. (S. Rept. No. 109–48)

Special Report entitled “Summary of Legislative and Oversight Activities during the 108th Congress”. (S. Rept. No. 109–49)

Special Report entitled “Legislative Activities Report of the Committee on Foreign Relations of the United States Senate during the One Hundred Eighth Congress”. (S. Rept. No. 109–50)

S. 52, to direct the Secretary of the Interior to convey a parcel of real property to Beaver County, Utah. (S. Rept. No. 109–43)

S. 54, to amend the National Trails System Act to require the Secretary of the Interior to update the feasibility and suitability studies of four national historic trails, with amendments. (S. Rept. No. 109–44)

S. 56, to establish the Rio Grande Natural Area in the State of Colorado. (S. Rept. No. 109–45)

S. 101, to convey to the town of Frannie, Wyoming, certain land withdrawn by the Commissioner of Reclamation. (S. Rept. No. 109–46)

S. 128, to designate certain public land in Humboldt, Del Norte, Mendocino, Lake, and Napa Counties in the State of California as wilderness, to designate certain segments of the Black Butte River in Mendocino County, California as a wild or scenic river. (S. Rept. No. 109–47)

Report to accompany S. 667, to reauthorize and improve the program of block grants to States for

temporary assistance for needy families, improve access to quality child care. (S. Rept. No. 109–51)

#### **Measures Passed:**

**Concurrent Budget Resolution:** Senate agreed to H. Con. Res. 95, establishing the congressional budget for the United States Government for fiscal year 2006, revising appropriate budgetary levels for fiscal year 2005, and setting forth appropriate budgetary levels for fiscal years 2007 through 2010, after striking all after the resolving clause and inserting in lieu thereof the text of S. Con. Res. 18, Senate companion measure, as amended.

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Gregg, Domenici, Grassley, Allard, Conrad, Sarbanes, and Murray.

**Page S3158**

**Death of Senator Howell T. Heflin:** Senate agreed to S. Res. 93, relative to the death of Howell T. Heflin, former United States Senator from the State of Alabama.

**Page S3158**

**Death of Pope—Agreement:** A unanimous-consent agreement was reached providing that at 4:45 p.m., on Tuesday, April 5, 2005, Senate vote on a resolution relating to the death of the Holy Father, Pope John Paul II.

**Page S3158**

**Nominations Received:** Senate received the following nominations:

Kenneth J. Krieg, of Virginia, to be Under Secretary of Defense for Acquisition, Technology, and Logistics.

David A. Sampson, of Texas, to be Deputy Secretary of Commerce.

Mark V. Rosenker, of Maryland, to be a Member of the National Transportation Safety Board for a term expiring December 31, 2010.

Ellen G. Engleman Connors, of Indiana, to be Chairman of the National Transportation Safety Board for a term of two years.

Sean Ian McCormack, of the District of Columbia, to be an Assistant Secretary of State (Public Affairs).

Suzanne C. DeFrancis, of Maryland, to be an Assistant Secretary of Health and Human Services.

Michael Dolan, of New York, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring October 6, 2009.

Robert M. Duncan, of Kentucky, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term expiring June 10, 2009.

Philip J. Perry, of Virginia, to be General Counsel, Department of Homeland Security.

Linda M. Springer, of Pennsylvania, to be Director of the Office of Personnel Management for a term of four years.

Rachel Brand, of Iowa, to be an Assistant Attorney General.

Alice S. Fisher, of Virginia, to be an Assistant Attorney General.

Regina B. Schofield, of Virginia, to be an Assistant Attorney General.

40 Air Force nominations in the rank of general.

95 Army nominations in the rank of general.

4 Marine Corps nominations in the rank of general.

42 Navy nominations in the rank of admiral.

Routine lists in the Foreign Service, National Oceanic and Atmospheric Administration.

**Pages S3159–61**

**Nominations Withdrawn:** Senate received notification of withdrawal of the following nominations:

Claude M. Kicklighter, of Georgia, to be a Member of the Defense Base Closure and Realignment Commission, which was sent to the Senate on March 15, 2005.

**Page S3161**

**Messages From the House:** **Page S3142**

**Enrolled Bills Presented:** **Page S3142**

**Executive Communications:** **Pages S3142–47**

**Additional Cosponsors:** **Pages S3147–49**

**Statements on Introduced Bills/Resolutions:** **Pages S3149–57**

**Additional Statements:** **Pages S3138–42**

**Notices of Hearings/Meetings:** **Pages S3157–58**

**Authority for Committees to Meet:** **Page S3158**

**Adjournment:** Senate convened at 2 p.m., and as a further mark of respect to the memory of the late Honorable Howell Heflin, former United States Senator from the State of Alabama, in accordance with S. Res. 93, adjourned at 7:17 p.m., until 9:45 a.m., on Tuesday, April 5, 2005. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S3158.)

## Committee Meetings

*(Committees not listed did not meet)*

### DEFENSE AUTHORIZATION: NUCLEAR WEAPONS

*Committee on Armed Services:* Subcommittee on Strategic Forces concluded open and closed hearings to examine strategic forces and nuclear weapons issues in review of the Defense Authorization Request for fiscal year 2006, after receiving testimony from General James E. Cartwright, USMC, Commander, United States Strategic Command; and Ambassador Linton F. Brooks, Administrator, National Nuclear Security Administration, Department of Energy.

# House of Representatives

## Chamber Action

The House was not in session today. Pursuant to S. Con. Res. 23, the House stands adjourned until 2 p.m. on Tuesday, April 5.

## Committee Meetings

No committee meetings were held.

### NEW PUBLIC LAWS

*(For last listing of Public Laws, see DAILY DIGEST, p. D149)*

S. 686, to provide for the relief of the parents of Theresa Marie Schiavo. Signed on March 21, 2005. (Public Law 109–3)

H.R. 1160, to reauthorize the Temporary Assistance for Needy Families block grant program through June 30, 2005. Signed on March 25, 2005. (Public Law 109–4)

S. 384, to extend the existence of the Nazi War Crimes and Japanese Imperial Government Records

Interagency Working Group for 2 years. Signed on March 25, 2005. (Public Law 109-5)

H.R. 1270, to amend the Internal Revenue Code of 1986 to extend the Leaking Underground Storage Tank Trust Fund financing rate. Signed on March 31, 2005. (Public Law 109-6)

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## CONGRESSIONAL PROGRAM AHEAD

Week of April 5 through April 9, 2005

### Senate Chamber

On *Tuesday*, at 4:45 p.m., Senate will vote on a resolution relating to the death of the Holy Father, Pope John Paul II. Also, Senate expect to begin consideration of the State Department Authorization.

On *Wednesday*, Senate will meet with the House of Representatives for a joint meeting to hear an address from Viktor Yushchenko, President of Ukraine.

During the balance of the week Senate will consider any other cleared legislative and executive business.

### Senate Committees

*(Committee meetings are open unless otherwise indicated)*

*Committee on Agriculture, Nutrition, and Forestry:* April 6, to hold hearings to examine the nomination of Charles F. Conner, of Indiana, to be Deputy Secretary of Agriculture, 9:15 a.m., SR-336.

*Committee on Appropriations:* April 6, Subcommittee on Labor, Health and Human Services, and Education, to hold hearings to examine the proposed budget estimates for fiscal year 2006 for the National Institutes of Health, 9:30 a.m., SD-124.

April 6, Subcommittee on Defense, to hold hearings to examine the proposed budget estimates for fiscal year 2006 for the Air Force, 9:30 a.m., SD-192.

April 6, Full Committee, business meeting to mark up the Emergency Supplemental bill for fiscal year 2005, 2 p.m., SD-106.

April 7, Subcommittee on Transportation, Treasury and General Government, to hold hearings to examine the proposed budget estimates for fiscal year 2006 for the Internal Revenue Service, 9:30 a.m., SD-138.

April 7, Subcommittee on Energy and Water, to hold hearings to examine the proposed budget estimates for fiscal year 2006 for the Corps of Engineers and the Bureau of Reclamation, 2 p.m., SD-138.

*Committee on Armed Services:* April 5, Subcommittee on Personnel, to hold hearings to examine active component, reserve component, and civilian personnel programs in review of the Defense Authorization Request for fiscal year 2006, 2:30 p.m., SR-232A.

April 6, Subcommittee on Readiness and Management Support, to hold hearings to examine military installation programs in review of the Defense Authorization Request for fiscal year 2006, 9:30 a.m., SR-232A.

April 6, Subcommittee on Airland, to hold hearings to examine tactical aviation programs in review of the De-

fense Authorization request for fiscal year 2006, 2:30 p.m., SR-232A.

April 7, Subcommittee on Strategic Forces, to hold hearings to examine Ballistic Missile Defense Programs in review of the Defense Authorization Request for fiscal year 2006, 2:30 p.m., SR-222.

*Committee on Banking, Housing, and Urban Affairs:* April 6, to hold hearings to examine regulatory reform of the Government-Sponsored Enterprises, 9:30 a.m., SD-538.

April 7, Full Committee, to continue hearings to examine regulatory reform of the Government-Sponsored Enterprises, 10 a.m., SD-538.

*Committee on Commerce, Science, and Transportation:* April 5, Subcommittee on Surface Transportation and Merchant Marine, to hold hearings to examine highway, motor carrier and hazardous materials transportation safety, and transportation of household goods, 10 a.m., SR-253.

April 7, Full Committee, to hold hearings to examine the President's proposed budget request for fiscal year 2006 for the Department of Homeland Security's Transportation Security Administration and related programs, 2 p.m., SR-253.

*Committee on Energy and Natural Resources:* April 6, to hold hearings to examine the nomination of David Garman, of Virginia, to be Under Secretary of Energy, 10 a.m., SD-366.

*Committee on Environment and Public Works:* April 6, to hold hearings to examine the nominations of Stephen L. Johnson, of Maryland, to be Administrator of the Environmental Protection Agency, Luis Luna, of Maryland, to be an Assistant Administrator of the Environmental Protection Agency for Administration and Resource Management, John Paul Woodley, Jr., of Virginia, to be an Assistant Secretary of the Army for Civil Works, Major General Don T. Riley, United States Army, to be a Member and President of the Mississippi River Commission, Brigadier General William T. Grisoli, United States Army, to be a Member of the Mississippi River Commission, D. Michael Rappoport, of Arizona, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation, and Michael Butler, of Tennessee, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation, 9:30 a.m., SD-406.

*Committee on Finance:* April 5, to hold hearings to examine proposals for reform regarding charities and charitable giving, 10 a.m., SD-628.

*Committee on Foreign Relations:* April 7, to hold hearings to examine the nominations of John Robert Bolton, of Maryland, to be U.S. Representative to United Nations, with the rank and status of Ambassador and U.S. Representative in the Security Council of the United Nations, and Representative to the Sessions of the General Assembly of the United Nations during his tenure of service as Representative of the United States of America to the United Nations, 9:30 a.m., SH-216.

*Committee on Health, Education, Labor, and Pensions:* April 5, Subcommittee on Education and Early Childhood Development, to hold hearings to examine Head Start, focusing on ensuring dollars benefit children, 9:30 a.m., SD-430.

April 6, Full Committee, to hold hearings to examine health care provided to non-ambulatory persons, 9:30 a.m., SD-562.

April 7, Full Committee, to hold hearings to examine the future viability of the U.S. Postal Service, 10 a.m., SD-342.

*Committee on Homeland Security and Governmental Affairs:* April 5, Oversight of Government Management, the Federal Workforce, and the District of Columbia, to hold hearings to examine monitoring CMS' vital signs, focusing on implementation of the Medicare prescription drug benefit, 10 a.m., SD-342.

April 7, Full Committee, to hold hearings to examine the ongoing need for comprehensive postal reform, 10 a.m., SD-342.

April 7, Full Committee, business meeting to consider S. 21, to provide for homeland security grant coordination and simplification, S. 335, to reauthorize the Congressional Award Act, S. 494, to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, S. 501, to provide a site for the National Women's History Museum in the District of Columbia, and certain committee reports, 2:30 p.m., SD-342.

*Committee on Indian Affairs:* April 5, to hold hearings to examine S. 113, to modify the date as of which certain tribal land of the Lytton Rancheria of California is deemed to be held in trust, 9:30 a.m., SD-562.

*Committee on the Judiciary:* April 5, to hold an oversight hearing to examine the implementation of the USA PATRIOT Act, 9:30 a.m., SH-216.

April 7, Full Committee, business meeting to consider S. 378, to make it a criminal act to willfully use a weapon with the intent to cause death or serious bodily injury to any person while on board a passenger vessel, S. 119, to provide for the protection of unaccompanied alien children, S. 629, to amend chapter 97 of title 18, United States Code, relating to protecting against attacks on railroads and other mass transportation systems, and the nominations of Terrence W. Boyle, of North Carolina, to be United States Circuit Judge for the Fourth Circuit, Priscilla Richman Owen, of Texas, to be United States Circuit Judge for the Fifth Circuit, Robert J. Conrad, Jr., to be United States District Judge for the Western District of North Carolina, James C. Dever III, to be United States District Judge for the Eastern District of North Carolina, and Thomas B. Griffith, of Utah, to be United States Circuit Judge for the District of Columbia Circuit, 9:30 a.m., SD-226.

April 7, Full Committee, to hold hearings to examine the patent system today and tomorrow, 2:30 p.m., SD-226.

*Committee on Veterans' Affairs:* April 7, to hold hearings to examine the nomination of Jonathan Brian Perlin, of Maryland, to be Under Secretary of Veterans Affairs for Health, 10 a.m., SR-418.

## House

*Committee on Agriculture,* April 7, hearing to review implementation of the Secure Rural Schools Act of 2000: A Continuing Commitment to Rural Education and Sustainable Forestry, 10 a.m., 1300 Longworth.

*Committee on Appropriations,* April 5, Subcommittee on Departments of Labor, Health and Human Services, Education and Related Agencies, on Employee Benefits Security Administration, on Employment Standards Administration, and on International Labor Affairs Bureau, 10 a.m., 2358 Rayburn.

April 6, Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, on Natural Resources and Environment, 9:30 a.m., 2362A Rayburn.

April 6, Subcommittee on Defense, executive, on Army Acquisition, 10 a.m., H-405 Capitol.

April 6, Subcommittee on Interior, Environment and Related Agencies, on Kennedy Center, 10 a.m., B-308 Rayburn.

April 6, Subcommittee on the Departments of Labor, Health and Human Services, Education, and Related Agencies, on Centers for Disease Control and Prevention, 10:15 a.m., 2358 Rayburn.

April 6, Subcommittee on Military Quality of Life, and Veterans' Affairs, and Related Agencies, on Defense Health Program, 10 a.m., on United States Court of Appeals for Veterans Claims, 1:30 p.m., on American Battle Monuments Commission 2 p.m., on Arlington National Cemetery, 2:30 p.m., and on Armed Forces Retirement Home, 3 p.m., H-143 Capitol.

April 7, Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, on Research, Education, and Extension, 9:30 a.m., 2362A Rayburn.

April 7, Subcommittee on Interior, Environment, and Related Agencies, on National Park Service, 10 a.m., B-308 Rayburn.

April 7, Subcommittee on the Departments of Labor, Health and Human Services, Education and Related Agencies, on OSHA, on Mine Safety and Health Administration, and on National Institute for Occupational Safety and Health, 10 a.m., 2358 Rayburn.

April 7, Subcommittee Military Quality of Life, and Veterans' Affairs, and Related Agencies, on BRAC/Global Posture Review; 9:30 a.m., and on public witnesses, 1:30 p.m., H-143 Capitol.

April 7, Subcommittee on Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and Independent Agencies, on GSA, 3 p.m., 2358 Rayburn.

April 8, Subcommittee on the Departments of Labor, Health and Human Services, Education, and Related Agencies, on Substance Abuse and Mental Health Administration, on National Institute on Drug Abuse, on National Institute on Alcohol Abuse and Alcoholism, and

on National Institute on Mental Health, 10 a.m., 2358 Rayburn.

*Committee on Armed Services*, April 6, hearing on the Iraq's past, present and future, 10 a.m., 2118 Rayburn.

April 6, Subcommittee on Readiness, hearing on Fiscal Year 2006 National Defense Authorization budget request—Military Service's Requirement on Reconstitution of Equipment, 2 p.m., 2118 Rayburn.

April 6, Subcommittee on Terrorism, Unconventional Threats and Capabilities, hearing on the Fiscal Year 2006 National Defense Authorization budget request—Destruction of the U.S. Chemical Weapons Stockpile—Program Status and Issues, 1 p.m., 2212 Rayburn.

April 7, Subcommittee on Military Personnel, hearing on the Fiscal Year 2006 National Defense Authorization budget request—Military Resale and Morale Welfare and Recreation Overview, 2 p.m., 2212 Rayburn.

April 7, Subcommittee on Tactical Air and Land Forces, hearing on Fiscal Year 2006 National Defense Authorization budget request—Department of Defense's major rotorcraft programs 3 p.m., 2118 Rayburn.

*Committee on Education and the Workforce*, April 5, hearing entitled "Financial Accountability in the Head Start Early Childhood Program," 2 p.m., 2175 Rayburn.

*Committee on Energy and Commerce*, April 5 and 6, to mark up the Energy Policy Act of 2005, 4 p.m., on April 5 and 10 a.m., on April 6, 2123 Rayburn.

*Committee on Financial Services*, April 6, hearing entitled "Strengthening America's Communities: A Review of the Administration's FY 2006 Budget Initiative," 1 p.m., 2128 Rayburn.

April 6, Subcommittee on Capital Markets, Insurance and Government Sponsored Enterprises, hearing entitled "Additional Accounting and Management Failures at Fannie Mae-OFHEO's Efforts to Ensure Safe and Sound Operations," 10 a.m., 2128 Rayburn.

April 7, Subcommittee on Oversight and Investigations, hearing entitled "Starving Terrorists of Money: Breaking the Links between Islamic Charities and Terrorists," 10 a.m., 2128 Rayburn.

*Committee on Government Reform*, April 5, Subcommittee on Federal Workforce and Agency Organization, hearing entitled "Yucca Mountain Project: Have Federal Employees Falsified Documents?" 10 a.m., 2167 Rayburn.

April 5, Subcommittee on Federalism and the Census, hearing entitled "Lands of Lost Opportunity: What Can Be Done to Spur Re-Development at America's Brownfield Sites," 10 a.m., 2154 Rayburn.

April 5, Subcommittee on National Security, Emerging Threats and International Relations, hearing entitled "Assessing Anthrax Detection Methods," 2 p.m., 2154 Rayburn.

April 6, Subcommittee on Energy and Resources, hearing entitled "America's Energy Needs as Our National Security Policy," 2 p.m., 2247 Rayburn.

April 7, full Committee, hearing entitled "No Computer Left Behind: A Review of the Federal Government's D+Information Security Grade," 10 a.m., 2154 Rayburn.

*Committee on International Relations*, April 6, Subcommittee on Asia and the Pacific, oversight hearing on

China's Anti-Secession Law and Developments across the Taiwan Strait, 9 a.m., 2172 Rayburn.

April 6, Subcommittee on Europe and Emerging Threats, oversight hearing on Bosnia-Herzegovina: Unfinished Business, 1 p.m., 2200 Rayburn.

April 6, Subcommittee on Western Hemisphere, oversight hearing on China's Influence in the Western Hemisphere, 1:30 p.m., 2172 Rayburn.

April 7, full Committee, oversight hearing on Defense Trade: Arms Export Controls in the Post-9/11 Security Environment, 9:30 a.m., 2172 Rayburn.

April 7, Subcommittee on Africa, Global Human Rights and International Operations, oversight hearing on Foreign Relations Authorization for FY 2005–2006: Department of State Management Initiatives, 2:30 p.m., 2200 Rayburn.

April 7, Subcommittee on Middle East and Central Asia, to mark up H.R. 282, Iran Freedom Support Act, 12 p.m., 2200 Rayburn.

April 7, Subcommittee on Oversight and Investigations, oversight hearing on The United Nations Secretary-General's Reform Plan: Rhetoric vs. Reality, 1 p.m., 2172 Rayburn.

*Committee on the Judiciary*, April 5, Subcommittee on Crime, Terrorism, and Homeland Security, hearing and markup of H.R. 1279, Crime Deterrence and Community Protection Act of 2005, 2 p.m., 2141 Rayburn.

April 6, full Committee, oversight hearing on USA Patriot Act: A Review for the Purposes of its Reauthorization, 1 p.m., 2141 Rayburn.

April 6, Subcommittee on Courts, The Internet, and Intellectual Property, oversight hearing on Digital Music Interoperability and Availability, 10 a.m., 2141 Rayburn.

*Committee on Resources*, April 6, Subcommittee on National Parks, oversight hearing on the Implementation of the National Park Service Concessions Act of 1998, 2 p.m., 1324 Longworth.

*Committee on Rules*, April 5, to consider S. 256, Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, 5 p.m., H-313 capitol.

*Committee on Science*, April 7, to mark up H.R. 1215, Green Chemistry Research and Development Act of 2005, 10 a.m., 2318 Rayburn.

*Committee on Small Business*, April 6, to mark up the following resolutions: H. Res. 130, Recognizing the contributions of environmental systems and the technicians who install and maintain them to the quality of life of all Americans and supporting the goals and ideals of National Indoor Comfort Week; and H. Res. 22, Expressing the sense of the House of Representatives that American small businesses are entitled to a Small Business Bill of Rights, 2 p.m., followed by a hearing on the commitment of the Export-Import Bank of the United States (Ex-Im) to assist small business exporters, 3 p.m., 311 Cannon.

*Committee on Transportation and Infrastructure*, April 6, Subcommittee on Aviation, oversight hearing on Efforts to Prevent Pandemics by Air Travel, 2 p.m., 2167 Rayburn.

April 7, Subcommittee on Aviation, oversight hearing on Transforming the Federal Aviation Administration: A



Review of the Air Traffic Organization and the Joint Program Development Office, 10 a.m., 2167 Rayburn.

*Committee on Ways and Means*, April 7, Subcommittee on Oversight, hearing on the 2005 tax return filing season, current issues in tax administration, and the Internal Revenue Service budget for fiscal year 2006, 2 p.m., 1100 Longworth.

*Permanent Select Committee on Intelligence*, April 6, executive, Briefing on Weapons of Mass Destruction, 10 a.m., H-405 Capitol.

April 7, executive, hearing on General Defense Intelligence Programs, 9 a.m., H-405 Capitol.

### Joint Meetings

*Commission on Security and Cooperation in Europe*: April 6, to hold hearings to examine the efforts of the Chabad community and the U.S. Government to recover the “Schneerson Collection” of Jewish books and manuscripts from the Russian Government, 2:30 p.m., SH-216.

April 7, Full Committee, to hold hearings to examine the recent revolution in Kyrgyzstan and the prospects now for consolidating democracy, focusing on the implications for Central Asia, Belarus, Russia and the United States, 1 p.m., SD-406.

# Résumé of Congressional Activity

## FIRST SESSION OF THE ONE HUNDRED NINTH CONGRESS

The first table gives a comprehensive résumé of all legislative business transacted by the Senate and House.

The second table accounts for all nominations submitted to the Senate by the President for Senate confirmation.

### DATA ON LEGISLATIVE ACTIVITY

January 4 through March 31, 2005

	<i>Senate</i>	<i>House</i>	<i>Total</i>
Days in session .....	35	26	..
Time in session .....	243 hrs., 42'	164 hrs., 13'	..
Congressional Record:			
Pages of proceedings .....	3,112	1,735	..
Extensions of Remarks .....	..	519	..
Public bills enacted into law .....	2	4	6
Private bills enacted into law .....	1	..	..
Bills in conference .....	..	..	..
Bills through conference .....	..	..	..
Measures passed, total .....	78	118	196
Senate bills .....	9	3	..
House bills .....	3	27	..
Senate joint resolutions .....	1	..	..
House joint resolutions .....	..	1	..
Senate concurrent resolutions .....	6	4	..
House concurrent resolutions .....	9	22	..
Simple resolutions .....	50	61	..
Measures reported, total .....	*75	*28	103
Senate bills .....	55	..	..
House bills .....	..	10	..
Senate joint resolutions .....	..	..	..
House joint resolutions .....	..	..	..
Senate concurrent resolutions .....	1	..	..
House concurrent resolutions .....	..	2	..
Simple resolutions .....	19	16	..
Special reports .....	3	1	..
Conference reports .....	..	..	..
Measures pending on calendar .....	57	10	..
Measures introduced, total .....	805	1,795	2,600
Bills .....	678	1,454	..
Joint resolutions .....	11	39	..
Concurrent resolutions .....	24	120	..
Simple resolutions .....	92	182	..
Quorum calls .....	1	1	..
Yea-and-nay votes .....	81	52	..
Recorded votes .....	..	37	..
Bills vetoed .....	..	..	..
Vetoes overridden .....	..	..	..

### DISPOSITION OF EXECUTIVE NOMINATIONS

January 5 through March 31, 2005

Civilian nominations, totaling 138, disposed of as follows:	
Confirmed .....	29
Unconfirmed .....	109
Other Civilian nominations, totaling 572, disposed of as follows:	
Confirmed .....	268
Unconfirmed .....	304
Air Force nominations, totaling 5,657, disposed of as follows:	
Confirmed .....	5,052
Unconfirmed .....	605
Army nominations, totaling 1,963, disposed of as follows:	
Confirmed .....	1,804
Unconfirmed .....	159
Navy nominations, totaling 146, disposed of as follows:	
Confirmed .....	138
Unconfirmed .....	8
Marine Corps nominations, totaling 1,289, disposed of as follows:	
Confirmed .....	1,226
Unconfirmed .....	63
<i>Summary</i>	
Total nominations carried over from the first session .....	0
Total nominations received this session .....	9,765
Total confirmed .....	8,517
Total unconfirmed .....	1,248
Total withdrawn .....	0
Total returned to the White House .....	0

\*These figures include all measures reported, even if there was no accompanying report. A total of 51 reports have been filed in the Senate, a total of 29 reports have been filed in the House.

*Next Meeting of the Senate*

9:45 a.m., Tuesday, April 5

*Next Meeting of the HOUSE OF REPRESENTATIVES*

2 p.m., Tuesday, April 5

## Senate Chamber

**Program for Tuesday:** Senate will be in a period of routine morning business (not to extend beyond 60 minutes). At 4:45 p.m., Senate will vote on a resolution relating to the death of the Holy Father, Pope John Paul II. Also, Senate expects to begin consideration of the State Department Authorization bill.

*(Senate will recess from 12:30 p.m. until 2:15 p.m. for their respective party conferences.)*

## House Chamber

**Program for Tuesday:** To be announced.



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